

The Parent Guide to Special Education Services In South Carolina



South Carolina
Department of Education

Together, we can.

For further information on special education services in South Carolina,
you may contact the Office of Exceptional Children at the
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PREFACE

Thanks to a powerful and important federal law called the Individuals with Disabilities Education Act, or IDEA, nationally more than 6.8 million children with disabilities attend public schools every year. Once there, these children work with their peers toward achievement of high academic standards, participate in large-scale testing programs to measure their achievement, and steadily learn, moving toward adulthood and the time they'll leave secondary school, reach their age of majority, and...what? Hopefully, have their fair share of economic opportunity and self-sufficiency, live independent and fulfilling lives, and participate freely in the great adventure of life.

As a result of IDEA, children with disabilities are entitled to a "free appropriate public education" (FAPE). This means that schools must provide eligible children who have a disability with specially designed instruction to meet their unique needs, at no cost to the child's parents. This specially designed instruction is known as special education.

In South Carolina, over 100,000 children are being served in special education. Should your child be identified as having a disability and needing special education services, this guide will serve as information you will need to understand the system, and to protect the rights of your child.

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IDENTIFYING A CHILD WITH DISABILITIES

Children develop skills at different times and levels. Each child is different, with his or her own strengths and needs.

You should ask the school or your child's doctor for help if your child has problems doing any of the following:

- identifying shapes, colors, and familiar objects that other children the same age can identify easily;
- speaking or putting together phrases and sentences the way that other children the same age can;
- maintaining balance and coordination;
- paying attention;
- following directions and remembering things; or
- learning or doing ordinary things that other children the same age can learn or do.

Ask the school or your child's doctor for help if your child does any of the following:

- pulls away from people,
- bumps into and trips over things,
- hears sounds but does not understand what someone is saying,
- spends lots of time imagining or never imagines,
- pulls at an ear or has pain in an ear, or
- wants to be alone for long periods.

CHILD FIND: How schools find children who need special education services

Children and youth with disabilities living in the state—including children with disabilities who are attending private schools and religious schools, regardless of the degree of their disability, and who are in need of special education and related services—must be located, identified, and evaluated. These requirements apply to children and youth with disabilities whose

families move around a lot, such as migrant and homeless students. This also includes students who are already attending public school and are suspected of having disabilities and needing special education, even though they are advancing from grade to grade.

Screening

Screening is the way the school finds out how your child is developing so that they can spot any problems early. The school will check your child's general health and progress in school. You may be asked to provide information about your child's health and growing stages. School districts/agencies screen all students when they first start school and follow up at regular times. The school should share the results with you. You will not need to pay for the school screening.

APPROPRIATE EVALUATION FOR SPECIAL EDUCATION SERVICES

Teams

Those who work on behalf of your child's education are frequently referred to as "the Team." Under some circumstances and conditions and during various stages and transitions, the members of your child's Team will change. Those who are reviewing the evaluation information available about your child's learning are referred to as the Evaluation Review Team.

It takes many people to plan and provide the help that your child needs. The Individuals with Disabilities Education Act, 2004 (IDEA) clearly specifies the members of a special education Team. The parents are always members of any Team that makes decisions about their child. Parents can invite others to attend the Team meeting with them. Teachers and other professionals who know your child or who have evaluated your child will also be Team members.

At the Team meeting, the members of the Team must consider all information and evaluation results to decide if the student is eligible for special education services. If your child is eligible the Team will then use the evaluation results to develop an Individualized Education Program (IEP) for your child. For more information, turn to the "IEP" section of this Guide.

Referral

If your child is having difficulty in school, you may want to talk with the school about why your child may be having difficulty before making a referral for a special education evaluation. When a student shows signs of difficulty in school, one of the first steps may be to observe the student in the classroom or other areas of the school to see if changes might be made that will help the student do better. Sometimes students will do much better simply by changing seats in the classroom, or by having the teacher discuss the daily schedule each morning. Sometimes the school may suggest a vision or hearing screening.

Other changes may include trying new ways to teach your child or finding different ways your child can express what has been learned. The teacher may change the way the classroom is set up or may arrange for extra help from other school professionals. These supports or changes in the classroom are known as instructional supports. You may hear this process referred to as Response to Intervention (RtI). If some type of change has been made, it should be reviewed within four to six weeks to see if the change was helpful to the student. (See Appendix Six)

If your child continues to have difficulty, a referral for special education evaluation should be considered. You can make a referral for special education at any time. Providing instructional support cannot be used to delay the evaluation of a student. If a student is referred for an evaluation, documentation of the use of instructional supports is part of the evaluation information.

You can make a referral yourself, or you may find that a teacher or other professional has made a referral for a special education evaluation. Referrals are made by contacting the principal, school personnel, or the school's administrator of special education and asking for an evaluation for special education eligibility. **No matter who makes a referral, the parent must give informed written consent before a special education evaluation can begin.**

Initial Evaluation

The law provides a number of protections to ensure that each student receives regular, appropriate, and comprehensive evaluations. Before a determination can be made as to whether or not a student is eligible for special education, an evaluation of the student's educational strengths and needs must occur.

Referral for a special education evaluation is the first step in the process of determining if your child should receive special education services. The evaluation should examine all areas of suspected disability and provide a detailed description of your child's educational needs.

The evaluation should answer these questions:

1. Does the child have a disability? What type?
2. Does the disability cause the child to be unable to make effective educational progress?
3. Does the child require specially designed instruction to make progress or does the child require a related service or services in order to access the general curriculum (such as counseling or physical therapy)?

The answer to each of these questions should be "yes" in order to determine that a child is eligible for special education services. The law states that lack of instruction in English or mathematics cannot be the only reason that a student is found eligible for special education, nor can the fact that a student has limited skills in speaking or understanding English if he or she speaks and understands another language. Students also cannot be determined eligible for special education just because they cannot follow the school's discipline code or because they are "socially maladjusted." For students not found to be eligible for special education the Team should explore other programs and supports available within the school.

Many families are not familiar with the evaluation process. When your child is referred for evaluation, you may request a pre-evaluation conference to talk with a school professional about your concerns, what kinds of assessments (or special tests) will be helpful, and who will conduct the assessments. While the school must talk with you about these things whether or not you meet (Remember written consent is required even if you don't meet), a pre-evaluation conference can also serve as an opportunity to prepare yourself and your child to better understand the assessments that will be conducted. Once you feel comfortable that you understand and agree with the types of assessments that will be conducted and the individuals who will be conducting the assessments you must provide informed written consent in order for the evaluation to begin. You must feel comfortable with the information you are given regarding the evaluation. If you have any questions, the school is obligated to answer them.

Evaluation frequently includes parent input and teacher observation of the student, an interview with the student about their current abilities in school,

and other types of formal and informal assessments. Evaluations are always conducted by qualified professionals who have special training and are licensed by the state and are provided by the school at no cost to the parent.

The evaluation tools used will be based on your child's individual needs. Your child must be evaluated in all the areas of suspected disability. This may include looking at how your child communicates and understands language, your child's educational development, and how your child thinks, behaves, and adapts to changes. Evaluations may look at your child's health, vision, hearing, social and emotional well-being, performance in school, how your child uses her/his body, and for older students, what job-related and other post-school interests and abilities your child has. Special tests must be used for students who are blind or deaf or do not speak English well. If your child does not speak English well (or at all), arrangements may be made to test your child in her/her native language. The district must describe the evaluation procedures the agency proposes to conduct.

All evaluation information is confidential and should be seen only by people directly involved with your child such as teachers and Team members. A parent must give written consent before others may have access to this information.

Parents have the right to receive all special education evaluation reports before the Team meeting. You must ask the school for copies of these reports in order to receive them in advance of the meeting. A person qualified to explain these reports will be at the Team meeting to answer any questions you may have about what the results mean, where your child is having trouble and why.

Timeline

Evaluations and eligibility determinations must be completed within sixty (60) calendar days of the schools receipt of the parent's written permission for evaluation. This means whenever anyone at the school or district gets the permission. Within thirty (30) days of the determination of eligibility for special education and related services, a Team meeting must be held to complete the IEP for an eligible student. The parents should be sure that the written permission is given to the school in a timely manner. If sending by mail, use certified mail to assure that it reaches the school. If you sign permission at the school, then the time line begins on that day. Avoid sending permission with the child, because you can not be sure that the paper actually gets into someone's hands.

Disagreements

At times you may find that you disagree with the school district's evaluation. The foundation of a good educational program is an evaluation that truly reflects the strengths and needs of the individual student. If you disagree with the school district's evaluation results you have the right to have your child evaluated by a qualified professional(s) not employed by the school system. Parents are allowed to seek an Independent Educational Evaluation (IEE). If you obtain an independent evaluation at public expense, the public agency must consider the evaluation, if it meets agency criteria. A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

Eligibility Determination

If your child is found not eligible, your child may still receive help, although not special education services. If your child is not eligible for special education services, or the school refuses to evaluate your child, you will receive a letter from the school stating that your child is not eligible or that the evaluation was refused. The letter should state the choices that were considered and why they were judged not to be good for your child. It also should detail why the student was found not eligible, along with information about your rights. Read the notice carefully to decide if you agree or disagree with this decision. You have the right to appeal a finding of no eligibility. For information on your rights, turn to the "Procedural Safeguards" section of this Guide.

If your child is eligible for special education, the special education services should begin as soon as possible after the IEP Team has met to determine services.

As the parent, you have the right to refuse initial placement into special education for your child. The school district can not place a student in special education for the first time without your permission. Please consider this decision carefully. Special education professionals are trained to assist your child with specialized instruction allowing participation in the general education classroom.

Re-evaluation

Evaluation will continue to be an important part of the special education process. Your child's IEP must be reviewed at least once a year (the "annual review"), but it must also be reviewed every time your child's program seems to need to be changed. At least every three years, the school district

must conduct a three-year reevaluation. This means that at least every three years, the Team must consider current evaluation information and must determine if your child remains eligible for special education or if changes have taken place.

Every three years the school will request your consent to conduct a three-year re-evaluation. The school can also recommend to you that the evaluation information they have is sufficient to know that your child continues to be eligible and is also current enough to write an appropriate IEP. In that case, the school may recommend that no additional information gathering is necessary. This helps to prevent "over-testing", but it should not prevent evaluation that you or the school believes is needed. You have the right to say you still want some or all of the assessments to be certain that the information is current. A three-year re-evaluation generally will include all of the types of assessments of the initial evaluation.

If, at any time, the district believes that your child no longer requires special education, they must notify you prior to taking any action to end special education services. A reevaluation review must be held. At that time, the Team must consider the evaluation information and can make a determination that the student is no longer eligible. As always, you must receive a letter or notice in writing about this type of decision, and you have the right to disagree or to appeal the decision.

THE DISABILITY CATEGORIES IN SOUTH CAROLINA

Federal law and state regulations set out categories of disability. Your child may have more than one disability. The evaluation will help to decide which one is the "primary" disability, but the IEP may also list other disabilities. Your child has a right to the services he or she needs to succeed in school.

Although school districts/agencies must use the legal definitions, the following descriptions of disabilities are not as complicated as those definitions. They are written to give you a basic idea of what these terms mean.

Autism

Autism is a condition that causes severe problems with a child's ability to communicate and relate to others. Typically, children with this disability will have delayed language, poor eye contact, and often do the same thing over and over. They have difficulty dealing with change, and may not want to be

touched. It usually starts in very young children, and it interferes with learning.

Deaf and Hard of Hearing

The term "deaf" refers to a hearing difficulty that, even with a hearing aid, interferes with learning. "Hard of hearing" refers to a hearing difficulty that comes and goes but nonetheless interferes with learning.

Deafblindness

Deafblindness is a severe disability involving both seeing and hearing. It makes a child fall behind in development and have a hard time learning and communicating.

Emotional Disability

An emotional disability is an emotional difficulty that has lasted for a long time and interferes with learning. Students with this disability may appear to be unable to learn, but there does not seem to be an intellectual, physical, or health reason for that. They may not be able to "connect" with teachers or other students. In a normal situation, students with this disability may behave or feel very differently from most of the other students. They may often feel unhappy or depressed. They may manifest severe physical symptoms or fears when they have personal or school problems.

Mental Retardation

Mental retardation is a term used when a person has certain limitations in mental functioning and in skills such as communicating, taking care of him or herself, and social skills. These limitations will cause a child to learn and develop more slowly than a typical child. Children with mental retardation may take longer to learn to speak, walk, and take care of their personal needs such as dressing or eating. They are likely to have trouble learning in school. They will learn, but it will take them longer. There may be some things they cannot learn.

A mental disability is a difficulty in the student's general ability to think and reason that makes it hard for him or her to adapt to change or to solve problems. It may be mild, moderate or severe.

Multiple Disabilities

The term "multiple disabilities" refers to two or more difficulties, such as deafness and severe problems with bones, that affect the same individual.

Orthopedic Impairment

The term "orthopedic impairment" means a severe difficulty with bones, muscles, or joints that interferes with learning. The student may have been

born with the condition, or it could have been caused by an accident or illness.

Other Health Impairment

The term “other health impairment” refers to a health difficulty or medical condition that affects a student’s strength or alertness—such as asthma, attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD), a heart problem, sickle cell anemia, and tuberculosis—or another condition that interferes with learning.

Developmental Delay

Children aged three through nine experiencing developmental delays include a child who is experiencing developmental delays in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and needs special education and related services.

Specific Learning Disability

A specific learning disability is a problem in the way a student can listen, think, speak, write, read, spell, or do math. The problem is caused by the way the student learns and processes information—not by problems in seeing, hearing, or using muscles and not by anything related to his or her environment, culture, or economic level.

Speech or Language Impairment

A speech or language impairment is a difficulty in communicating that interferes with learning. A student with this impairment may not be able to understand what she/he hears (even though he/she doesn’t have a hearing problem), speak in age-appropriate phrases/sentences and use age-appropriate vocabulary, pronounce words accurately, speak fluently or smoothly, or use adequate voice.

Traumatic Brain Injury

A traumatic brain injury is a head injury that occurs after birth and that severely interferes with thinking, judgment, physical functions, speech, or other skills needed for learning.

Visual Impairment

A visual impairment is a problem that interferes with learning, even when the student wears glasses. A “visually impaired” student may have some sight or may be blind.

MEDICATIONS

Some children may need medication to function in school; however, school district/agency personnel may not require your child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. § 801 et seq.) as a condition of attending school or receiving an evaluation to determine eligibility for special education services. Such drugs include Valium, Xanax, and Ritalin.

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

An IEP is developed for students in need of special education services. Your child's IEP is developed at the IEP team meeting and represents a formal agreement about the services that the school will provide for your child's special education needs. The IEP meeting must be held within thirty (30) days of a determination that the child needs special education and related services. The IEP is a contract between you and the school. As with any contract you should make sure you fully understand the terms to which you are agreeing and make certain that everything that was agreed to verbally is written in the contract.

An IEP must include:

- Present levels of academic achievement and functional performance;
- Measurable annual goals designed to enable the child to be involved in and make progress in the general education curriculum;
- Description of how and when progress toward annual goals will be measured;
- Statement of special education and related services and supplementary aids and services to be provided and statement of program modifications or supports;
- Explanation of the extent, if any, to which the child will not participate with non-disabled children;
- Statement of any individual appropriate accommodations necessary to measure academic achievement and functional performance on state and districtwide assessments;
- Projected beginning date of services and modifications and anticipated frequency, location, and duration of those services and modifications.

Teams should be made up of the following individuals:

- You, the parent(s) or guardian(s);
- At least one of your child's special education teachers and/or providers;

- At least one of your child's regular education teachers if the child is or may be participating in the regular education environment;
- Someone from the district who is qualified to provide or supervise the provision of special education instruction, is knowledgeable about the curriculum, and can commit district resources;
- Other individuals or agencies, invited by the parent or the school district;
- Someone to interpret the evaluation results and explain what services may be needed; and
- Your child, especially if they are between the ages of 13-22.
- If the plan involves services from another agency, such as the Department of Vocational Rehabilitation (VR), the school will ask a representative from that agency to come to the meeting.
- If your child receives related or supplementary services, that individual should attend.

Under certain circumstances, one of the following team members may be excused:

- General education teacher
- Special education teacher
- Local Education Agency (LEA) representative
- Someone to interpret data.

Any of these members may be excused only if prior written agreement is given by the parent and the excused member provides written input prior to the meeting. Prior agreement means agreement before the meeting is held. It is not appropriate to ask for excusal if someone simply does not show up to the meeting.

You can ask for an IEP team meeting anytime you think it is needed. But it is a good idea to talk with school staff to get a picture of your child's progress before you ask for an IEP meeting

Participation in the General Curriculum

The federal law, the Individuals with Disabilities Education Improvement Act (IDEA), states that students with disabilities should participate in the general curriculum. The term "General Curriculum" means the same curriculum that their non-disabled peers are learning. The IEP, therefore, does NOT design a curriculum, rather, the IEP designs the special education and related services that the student needs to enable them to make progress in the general curriculum, and to help them be successful in their life at school. For students with disabilities to access the information in the general curriculum,

Teams may find it necessary to identify accommodations, modifications, or services to meet specific learning needs.

In order to be informed members of the IEP Team, parents should be aware of the curriculum that their school district uses for students who are the same age and grade level as their child and understand how their child's disability affects their involvement and progress in the general curriculum. The school district must ensure that a person on the Team is available who understands the general curriculum and can be helpful in discussing how the student can participate in the general curriculum.

Transition

Beginning no later than the first IEP to be in effect when the child turns thirteen, *or younger if determined appropriate by the IEP team*, the IEP must include appropriate measurable postsecondary goals based on age appropriate transition assessments, related to training, education, employment, and where appropriate independent living skills. The first part of the South Carolina IEP form requests information regarding these transition needs of a student aged thirteen or above. Input from parents and the student is key IEP information. Now is the time when you will start planning for your child's life after high school in the areas of education, employment, and independent living.

Transition discussions should include concerns of the parent and/or student, key evaluation results, and the future vision for the student. This is an opportunity for you, as a parent, to talk about your concerns and what you want special education to accomplish for your child. Consider: What information from the evaluation report seems particularly important? Has your child expressed some particular concerns or desires that you think can be helped by special education? Are there areas of particular strength or weakness of the student that you want to make sure are included?

Parents and students should enter the Team meeting prepared to talk about their hopes and dreams for the child's future. If the student is able to indicate what he/she would like, then the student's vision should be clearly indicated, if not the vision will be developed by the family. In discussing a vision for the future, the Team should be careful not to limit the discussion only to what they believe is "realistic"--everyone needs to have dreams and wishes. Also included in the vision should be a post-school goal statement designed to reflect the individual interests, preferences, and needs of your child in adult life This vision should guide the Team throughout the IEP development process in order to create a program that will bring the student

closer to that vision in a meaningful way and help the student to see how education can help the student reach his or her personal goals.

For students who may be receiving services from adult service agencies such as Vocational Rehabilitation (VR) or the Department of Disabilities and Special Needs (DDSN), representatives of these agencies should also be invited to the Team meeting when transition is being discussed. Transition planning and services should be reflected in the transition section of the IEP and can include preparation for post-secondary education, vocational training, employment, and independent living.

During transition planning it is important to remember that when students with disabilities graduate from school with a state issued high school diploma or turn twenty-one years of age, they are no longer entitled to special education services under IDEA. Teams should begin planning for adult services before the student is no longer eligible for a free, appropriate public education (FAPE). Planning for adult services, however, and completing the referral process does not necessarily guarantee that services will be available. Unlike special education, human services for adults are not provided as an entitlement and may have waiting lists, even for people eligible for services. Therefore, it is important for families to begin exploring the adult service system before adult services will be needed.

In addition, the Team should consider all information including the student's medical and educational history and personal interests. This discussion provides an opportunity for you and the school to discuss what special education can do and what it might not be able to do. This part of the IEP process can also be an opportunity for you and your child to express thoughts about the educational program as it has been in the past and how it could change to better meet your child's needs. For more information on transition, see Appendix One.

Present Levels of Academic Achievement and Functional Performance (PLAAFP or Present Levels)

The PLAAFP is a description of the student's performance in all areas of education that are affected by the student's disability. For preschool children, the present level of academic achievement and functional performance should describe how the disability affects the child's participation in age appropriate activities. It is helpful to consider the key role of present level of academic achievement and functional performance in the overall development of the IEP.

The PLAAFP determines approaches for ensuring involvement in, or adaptations or modifications to, the general education curriculum. Each area of educational need identified in the PLAAFP must be addressed in at least one other section of the form: annual goals, supplementary aids/services/supports, special education programs and services, or secondary transition services.

Present levels of academic achievement and functional performance assists the IEP Team's determination of supplementary aids/services/personnel supports, annual goals and short-term objectives, and state- and district-wide assessments on the IEP. The PLAAFP statement(s) should include four elements (in no particular order):

1. A narrative summary of the baseline data. Baseline data gives information on how your child is currently performing. The data should be explained in understandable terms, including areas of need and how the disability affects progress in the general education curriculum. The narrative summary must be sufficient to provide a foundation for education planning (a starting point for instruction).

2. Baseline data may be obtained from criterion referenced tests (Multiple-choice tests most people take to get a driver's license and on-the-road driving tests are both examples of criterion-referenced tests), standardized achievement tests (the Measures of Academic Progress (MAP) is an achievement test), diagnostic tests (the Woodcock-Johnson is a diagnostic test), classroom performance, systematic observations, state or district-wide assessments, checklists, progress reports, report cards, student input, parent input, or any combination of the above.

3. A statement of how the disability impacts the student's involvement/progress in the general education curriculum. Such as:

"needs skills to perform independent tasks required for daily living"
"auditory processing difficulties affect ability to take notes during lectures"
"needs organizational skills for completing work on time"
"requires assistance to interact with other children during group play"
"need for reading skills impedes completion of work at grade level"
"has difficulty participating in general physical education class"
"needs skills to pass classes required for graduation by year's end"
"behavior prevents independent work on general education assignments"

4. A description of area(s) of educational need.

"Areas" may refer to:

- An academic subject area such as math, reading, social studies, language arts
- A functional area such as self-care, social skills, behavior, adaptive functioning, organization,
- An area of disability such as speech/language behavior, motor functioning

Example of area(s) of educational needs: Charlie knows how to compute math problems, but is unable to meet the 5th grade academic standards (80% on math benchmarks) for understanding and applying problem solving strategies to story problems. He does not understand the relationship between a description and a mathematical solution. Charlie scored at the 2.8 level on the solving section of the Key Math test, and 4.8 on the Computation section. He completes word problems with 50% accuracy.

Accommodations and modifications

When considering both the general curriculum and other educational needs, the Team will consider specific accommodations, modifications, and services to assist the student to reach their best educational performance. The Team considers whether it is necessary to adapt the content (change the complexity of information being taught). The Team also considers whether it is necessary to adapt the methodology or delivery of instruction (change in the way the information is taught) or the performance criteria of the classroom (change the way the student expresses what they have learned). All of the changes and services that the Team identifies are written in the IEP. The IEP then serves as a resource to assist the teachers in providing a supportive and effective classroom environment throughout the school year.

Services

After the student's educational and functional performance has been discussed and accommodations and/or modifications developed, the Team must consider the actual services the student needs in order to be involved in and progress in the general education curriculum to the greatest extent practicable during the next year. The Team should talk about all the supports and services needed. The Team will discuss necessary services, including special teaching services, consultative services, training for teachers, and other related or supportive services such as transportation, psychological services, counseling services, occupational or physical therapy, and orientation and mobility services. The Team will specify these services on the IEP.

Annual Goals

Once the Team has explored the student's current educational performance and the types of assistance the student will need to improve his or her progress, the Team will turn its attention to what the student can be expected to be doing during the year in order to demonstrate effective progress. The specific goals for your child's performance will be described in a section of the IEP called "Annual Goals". Annual Goals describe the expected growth in your child's skills and knowledge over the next year as a result of the special education that he or she receives. Goals should be positive, measurable, achievable, and challenging. Annual Goals should be written so that every member of the team can determine if the child has met the goal, not just the specialist in the goal focus area. Annual Goals should relate to the academic and/or functional needs of your child.

Objectives: Short term Objectives are required to be written for students who are assessed with the SC-Alternate Assessment (SC-Alt). These students are those with the most significant cognitive impairments. If the IEP team determines objectives are necessary for any student, then they may be included in the IEP. Objectives should reflect benchmarks, or steps, toward meeting the annual goals. Again, objectives should be positive, measurable, achievable, and challenging.

Assessment

Both IDEA and No Child Left Behind require that all students participate in state assessments. In the past, participation in statewide assessments was not always considered important for students with disabilities. It was assumed that special education evaluations provided enough information on how well students were doing in school. Special education evaluations, however, do not typically provide information on what students know and can do relative to local and state academic learning standards. Information about the general performance of students with disabilities means that schools will now be held accountable in the same way they are for the performance of non-disabled students. It is important to ensure that all students have access to the resources and supports needed to participate in state assessments, including students with disabilities.

By including all students in state assessments, schools are more likely to raise standards and have higher expectations for students with disabilities. Including students with disabilities encourages schools to develop new programs and methods of teaching students with diverse learning styles. It also encourages the inclusion of students with disabilities in activities with their non-disabled peers.

The Palmetto Assessment of State Standards (PASS), the High School Assessment Program (HSAP) and the End of Course (EOCEP) tests are the State's student testing programs. Tests are given at different grade levels and are based on the South Carolina Curriculum Standards in English Language Arts, Mathematics, Science and Social Studies. *All students in South Carolina receiving an education at public expense must participate in state assessment.*

Students will participate in state assessment in one of three ways:

- With no accommodations,
- With accommodations,
- SC-Alternate Assessment.

The Team will determine how a student will participate in the state assessments. *It is very important to understand how the assessment will affect your child. Some assessments may result in an inability to earn a regular state high school diploma. Please be sure you discuss all possible outcomes for your child.*

As part of the IEP process, the Team must determine how your child will participate in assessments. The Team first will consider whether your child can take standardized tests either with or without accommodations. If your child requires accommodations, then the Team will identify the accommodations that will be used and must document this information in the student's IEP. Generally, they will be similar to those accommodations that the student uses during regular classroom instruction.

A small number of students may be unable to take standard statewide assessments, even with accommodations, due to the nature and severity of their disability. These students will be designated by the Team to participate in the SC-Alt. Students participating in the SC-Alt will not be eligible to receive a regular state high school diploma.

Modifications to tests result in an invalid score and the student is counted as not tested. A modification changes what the test is supposed to measure. For example, using a calculator on a mathematics test that measures a student's calculation skills is a modification.

Functional Behavioral Assessment

A Functional Behavioral Assessment (FBA) is an assessment of student behaviors that may be disruptive or otherwise inappropriate for school. The FBA is based on observations and discussions that help to determine when and why a behavior is happening so that positive behavioral interventions may be used to help the student to develop more appropriate behaviors. A

FBA is required when a child commits a discipline offense that requires a manifestation hearing, and the behavior is determined to have been caused by the disability.

Special Considerations

IDEA notes some special considerations for Teams to address during IEP development. These special considerations include: positive behavioral interventions, the unique needs of students with disabilities with limited English proficiency, the communication needs of students who are Deaf or hard of hearing, Braille for students with visual impairments, and assistive technology devices and services for all students. These needs should be addressed by the Team, and included in the IEP based on the unique needs of the child.

Right to Review Records

You must receive a copy of the evaluation report, the IEP, and other materials used to decide whether your child is eligible for special education services. You also have a right to look at any other records on your child as soon as possible after you ask for them but no more than forty-five days and before an IEP team meeting or due process hearing.

CONFIDENTIALITY

No one can look at the records unless they have a legitimate educational interest in your child. You have a right to refuse your consent to disclose your child's records, and you have a right to be told who has looked at your child's records. If your school requires parental permission prior to the release of records for a legitimate educational interest and you refuse release of the information, the school must request mediation or a due process hearing if they are unable to convince you that you should give your consent.

WHEN DISAGREEMENTS OCCUR

Procedural Safeguards

There are procedural safeguards built into the law which relate to many aspects of the special education process, including eligibility, evaluation, IEP, placement or the provision of special education services. For example, one of the key safeguards for parents is the right to receive written notice

whenever a school district proposes or refuses to initiate or change key aspects of a student's services. Parents are encouraged to carefully review the listing or explanation of parents' rights which has been prepared as one means of informing parents of their rights in the special education process. This information is made available to parents at any time upon request to the school district and is always provided by the school when an initial request for an evaluation is received and at other times during the IEP process.

It is important to discuss your concerns and areas of disagreement with the school before entering into more formal due process procedures. This can often be the quickest and easiest way to solve a disagreement. If you cannot come to agreement with the school, you have the right to disagree with the school's decisions concerning your child. This includes decisions about:

- Your child's eligibility for special education;
- Your child's special education evaluation;
- The special education and related services that the school provides to your child (provision of a FAPE); or
- Your child's educational placement.

If you are unhappy with any of these areas, you have several options. The first option would be meeting with your child's teacher. Next, is to meet with the special education administrator or the principal at your school and try to reach an agreement about your child's needs and services. Local school districts often have specific local procedures to resolve the complaints of parents. Ask if your district has those procedures. You may also meet with the local district director of special education. Frequently this person is located at the district office.

You may also call the South Carolina Department of Education Office of Exceptional Children's (OEC) Ombudsman. Parents can call the Ombudsman to ask a question regarding the laws and regulations pertaining to a specific concern. The department also has a toll-free automated help-line (1-866-628-0910.)

There are also advocacy and parent groups that can help you. Contact information is provided in Appendix Seven of this guide. These are two statewide advocacy organizations, for example: PRO-Parents and Protection and Advocacy for People with Disabilities, Inc.

You may also write a letter of complaint to the special education complaint investigator located in the Department's Office of General Counsel. You must also send a copy of the letter to the district at the same time you send it to

the Department. The complaint investigator will review your complaint to determine if education laws and regulations are being followed. Parents and school officials will have an opportunity to provide written information and to speak with the complaint investigator about the issue(s) presented. At the completion of the review, which should take no longer than 60 days, a letter explaining the results of the review and the actions taken to resolve the issue(s) is sent to the parents. If the school is not meeting the requirements of the law, the OEC will make a finding of non-compliance with the law and will work with the school to correct the problem.

There are other more formal dispute resolution options. Any parent can use one or all of these options. More than one option may be used when needed. These options include:

Mediation: a voluntary and informal process where you and the school meet with an impartial mediator to talk openly about the areas where you disagree and to try to reach an agreement. Any agreements must be in writing and can be enforced in the appropriate state or federal court.

Hearing: You have a right to request a due process hearing; a process where you and the district each present your case to an impartial Hearing Officer for a written binding decision on the best outcome for the student. A hearing is a fairly complex legal proceeding and averages three to five days in length. The request must include your child's name, address, school, a description of the problem(s) you are having with the school, and a description of how you would like this problem to be resolved. Include facts in the request. If you do not agree with the hearing officer's decision, you can appeal to the State Department of Education, which will conduct an impartial review of the hearing. If you do not agree with that decision, you can go to court. If any of the decisions are in your favor, you may be able to collect attorneys' fees. The school district/agency may ask for attorneys' fees from you or your attorney if the school district/agency thinks a due process hearing request is frivolous or brought for an inappropriate purpose.

Resolution Session: a meeting that takes place within seven days when a due process hearing is requested. If the matter can be resolved within fifteen days it may not be necessary to proceed to a due process hearing.

Generally, parents who proceed with the due process system consult an attorney or seek representation. For information on free or low cost legal services see the Resources section of the Guide.

When an appeal over placement or manifestation determination has been made by either the parent or the district, the child must remain in the

interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period specified whichever occurs first, unless the parent and the State Education Agency or LEA agree otherwise.

FREE AND APPROPRIATE PUBLIC EDUCATION (FAPE)

A child who is eligible for special education services is entitled by federal law to receive a FAPE. FAPE ensures that all students with disabilities receive an appropriate public education at no expense to the family. FAPE differs for each student because each student has unique needs. FAPE specifies that needed services must be provided without cost to the family.

FAPE guarantees that for students who are found eligible for special education, school districts must be prepared to provide services according to an IEP beginning no later than their third birthday. If a student continues to be eligible, services may continue until the student graduates from high school with a standard diploma or turns 21, whichever comes first.

FAPE also means that students receiving special education services have access to and make progress in the general curriculum (i.e. the same curriculum as students without disabilities) and the right to be full participants in the life of the school. Your child is not only entitled to access the academic portion of school but also to participate in extracurricular and other activities sponsored by the school. Full participation means that students with disabilities are entitled to the aids and services needed to assist them in participating in all areas of school life. FAPE is closely tied to a principle known as the "Least Restrictive Environment."

LEAST RESTRICTIVE ENVIRONMENT

The federal law, IDEA, mandates that students with disabilities must be educated with their non-disabled peers to the maximum extent appropriate based on the student's needs. This is known as the Least Restrictive Environment (LRE). The Team (including the parent) determines the placement that the student needs to provide the services on the student's IEP. The Team must also choose the least restrictive environment able to provide those services. This means that the student should attend the school and classes he or she would attend if non-disabled, unless the Team determines that the nature of the student's disability will not allow that student to have a successful educational experience in that environment.

FAPE and LRE are closely tied together. In order to help your child be successful, the Team must carefully consider whether supplemental aids and services and specialized instruction could make it possible for your child to be educated with non-disabled peers. If services can be appropriately provided in a less restrictive setting, the Team must choose that type of program and setting. If the student's program requires a more restrictive setting to be successful, then the Team may consider other settings. The Team should look class by class, activity by activity, and only remove your child from the general education classrooms if, and only if, supplemental aids and services would not make it possible for the student to remain in that classroom and make effective progress.

Determination of the LRE is based on your child's IEP, not on a diagnosis or specific disability label. This determination must be made individually and carefully. Students cannot be placed in separate or more restrictive environments only because they require modification of the curriculum. It is important to remember that Teams do not have to choose between specialized help for a student and inclusion of that student in the general education classroom; students are entitled to both. After the Team has developed the IEP and understands the needs and goals for your child, then the Team will determine the most appropriate setting for your child's services. LRE is an integral part of the placement determination.

Protecting your rights

Specific procedures that protect the rights of students with disabilities and their parents/guardians are meant to help make the complicated special education process more predictable and dependable. They are designed to ensure that appropriate procedures are followed and that special education and related services are individualized for each student.

Some of the procedural safeguards that have already been mentioned in this Guide include:

Timelines - examples include:

- Credentialed, trained specialists complete evaluations and determine eligibility for special education services within 60 days from written parental consent for evaluation;
- IEP team meets to develop the proposed IEP for the students within 30 calendar days from eligibility determination;

- School sends IEP, including copies of the notes taken during the meeting, to parent as soon as possible following its development at the Team meeting.

Informed Consent - The parent has the right to consent or refuse consent at key points such as:

- Evaluation
- IEP services
- Placement decisions

Informed consent means you understand your rights and the rights of your child. If you are not sure of your options, or of exactly what you are consenting to, please ask for an explanation from the district staff.

Evaluation requirements - The specific required evaluations and the requirements relating to doing appropriate evaluations are also safeguards (see ["Appropriate Evaluation"](#)).

IEP Development - Many of the elements of the IEP function as safeguards for the student to ensure that services are comprehensive and individualized.

Age of Majority

Students, as stated before in the section on parent and student participation, are central to the process, and any rights that parents have flow from the right of the student to receive a FAPE. As students grow older, their participation in the planning for the special education services becomes more active, including participating on the Team by age thirteen (or younger if appropriate) and the transfer of rights from the parent to the student at the age of majority.

According to IDEA and South Carolina law, eighteen years of age is the "age of majority." Unless there has been court action giving guardianship to the parent or another adult, **at eighteen years of age students are considered adults and competent to make their own decisions, regardless of the severity of their disability, including decisions in all special education matters.** Parents and students must be notified about this transfer of rights to the student and the impact on the student and the parents at least one year before the student turns eighteen. **When the student turns eighteen, he or she has full authority to consent to, or refuse, services.** The school district cannot assume that the services will be acceptable to the adult student; therefore, the district

will need to seek consent of the student for all IEP services when the student turns eighteen years of age. *Neither the parent nor the school district can reverse the decision of the adult student unless there is a court-appointed guardian.* The student is responsible for signing the IEP, and, as with any adult, the student can withdraw his or her willingness to share or delegate these decisions at any time. When students reach the age of majority, parents continue to have the right to receive all written notices and to have access to the student's school records. Guardianship is complex and, therefore, we recommend that anyone questioning the need for a guardian for their child should consult an attorney (see Resources for free and low cost services).

Other Safeguards

Procedural safeguards also protect the rights of non-English speaking students and families. If English is not your primary language, the school must provide an interpreter to you at no charge. Written documents such as the IEP and evaluation reports must also be translated into your native language. If you are unable to read in any language or have a visual or hearing impairment, the school is required to make every effort to be sure that you participate. Efforts may include the use of Braille, sign language, orally translating written language, or providing other means of communication that is effective and allows you to understand the information and communicate with the school.

You are an important member of your child's IEP Team. The school is required to provide you with advance notice when they schedule an IEP meeting. If you cannot go to the meeting at the scheduled time or place, let the school know as soon as possible. The school should try to change the time or place or arrange to help you get there. The meeting must be held at a time agreed on by both you and the school. If you cannot go to the meeting it may be possible for you to participate by phone. Even if you give the school permission to hold the meeting without you, it is good to explain your concerns about your child to the school district's/agency's director of special education before the meeting.

If you are not at the meeting, the school will send you a copy of the IEP that the team developed. If you do not agree with something in it, contact the school immediately. If your child is going to get special education services for the first time, the district/agency cannot do anything until you give your written consent.

Parental Involvement

Both state and federal laws and regulations governing the administration of educational programs for students with disabilities have recognized the important role of parents in the special education process. It is important that you take an active role in the educational process. You and the school personnel should establish a positive relationship with shared goals and a common understanding of your child's needs at home, at school, and in the community. It is essential that you and the school district work cooperatively together.

To be an effective advocate for your child, you should:

- Be fully informed about the services available in or through your child's school,
- Know your child's special needs,
- Know your child's rights,
- Participate in the meetings to determine eligibility and the Individualized Education Program (IEP) meetings, and
- Ask questions and voice concerns when you are unsure of terms, language, the appropriateness of your child's program, the school's recommendations, etc.

In addition:

- Share letters, reports, or other materials that can help the school understand your child and provide appropriate services to your child. Be sure to keep a copy of these items for your records.
- Start a log or journal in which you record important dates and milestones of your child's program. This will also be a good place to record the results of important conversations and meetings you have had with teachers and others regarding your child's program.
- Keep all documents and correspondence from the school that you feel are important such as IEPs, samples of your child's work, notices regarding the dates of meetings, etc. Keep these documents with your journal.
- Develop an ongoing working relationship with those persons who are responsible for or provide services to your child. Get to know the names and responsibilities of all those working with your child.

Any questions or concerns you have may be answered and/or may be resolved by contacting your child's teacher, the school district, program administrator(s) or the district/cooperative director of special education. You

are encouraged to be involved in every aspect of your child's educational program. You are your child's best advocate.

Parent Participation in Meetings

School districts are required to ensure your participation in the discussion regarding your child's evaluation. School districts are also required to ensure your participation in the meetings to determine eligibility and plan your child's IEP including where those services will be delivered. This means that the local school district must contact you in a timely manner to set a mutually convenient time to meet.

To be an active participant in these meetings, you must be able to use effective communication skills such as good listening skills, assertive communication patterns, and respect for other's opinions and feelings. The following are general suggestions for establishing and maintaining an effective team atmosphere:

BE POSITIVE

Go to the meetings with a positive attitude.

BE PREPARED

Go to the meetings with specific ideas, suggestions and questions to ask.

BE DIRECT

Speak clearly and avoid vague statements or charges. If you have specific concerns, bring them up and let school personnel respond to your concerns.

BE CONFIDENT

Do not be intimidated. If terms or concepts are presented that you do not understand, ask for clarification.

BE CALM

Remain in control of your feelings. A team meeting can plan an effective instructional program when all participants are calm and no member is under attack.

BE INVOLVED

Take an equal and active role in the team. You may have information that is important to effective program development - do not be afraid to ask questions, to disagree with instructional or management suggestions, and to expect the team to treat you with respect.

Before the Meetings

- Review your child's school records, previous eligibility reports, IEPs and any other information you received from the school.
- Write down questions and concerns to discuss or any suggestions you have regarding special education and related services and/or the special education placement.

- Prepare a folder to take to the conference that contains: (a) information you want to share about your child; (b) questions, (c) paper on which to take notes, and (d) any other pertinent information.
- Write down the things your child can do and what you want your child to learn.
- Decide whether your child should attend.
- Make notes about your child's needs. Keep a record of changes in your child's behavior, skills, concerns, and feelings. Keep a list of the medicines your child gets at home and school. Include the name of the medicine, the amount given, the times it is given, the prescription number, any changes in the amount given, and your child's reaction.

During the Meetings

- Introduce yourself and be introduced to all by name and job title.
- Maintain a positive attitude.
- Stay on task - remember the purpose of the conference and the scheduled time period is to address your child's needs.
- Ask questions such as who, what, where, when, why or why not, and what does that mean?
- Take notes on discussions, recommendations, items to follow through on, and scheduled dates/appointments.
- Ask school personnel to explain terms, language or statements that are unclear.
- Set a regular time to contact the teacher to discuss your child's progress.
- Provide school personnel with praise when you are pleased with their efforts.
- Stand up for your child's rights, but give others in the meetings respect. Treat others as you wish to be treated.

After the Meetings

- Put items on the calendar that require your action and then follow through.
- Add documents from the conference to your files.
- Contact the teacher periodically to see how the program is going.
- Parent groups, such as the parent and teacher association (PTA), need your voice and help. Think about bringing together other parents of children who get special education services. You can help each other, and together you can help the school make changes to help your children.

High School Credits, Diplomas, Certificates

Before your child starts high school, the IEP team will need to discuss whether your child should work toward a high school diploma or an educational, occupational, or employment training certificate, if offered by the district. *The occupational and employment training certificate will not provide the necessary credits to enable your child to receive a regular state-issued high school diploma.*

Your child's guidance counselor, principal, or the IEP team can give you detailed information. These issues should be addressed through your child's Individual Graduation Plan (IGP) as well as the transition section on the IEP. Here is a brief summary:

South Carolina High School Diploma

- Students working toward a state high school diploma need to obtain the required 24 credits and pass both sections of the High School Assessment Program (HSAP) to receive a South Carolina high school diploma.

South Carolina High School Certificate

- Students who are working toward a state high school diploma but who do not pass all three sections of the high school exit exam by the time they graduate will receive a South Carolina high school certificate.

School District Certificate of Attendance

- Students who complete an educational, occupational, or employment training program without receiving all of the required credits for a South Carolina high school diploma will get a certificate of attendance. The local school district, which determines the requirements, will award this certificate.

What are the requirements for a High School Diploma?

Your child will need to complete the following:

A. Earn at least 24 credits in the following subjects:

English and language arts (4 credits),	computer science, including keyboarding (1 credit),
United States government (½ credit),	mathematics (4 credits),
economics (½ credit),	science (3 credits),

United States history and Constitution (1 credit),

other social studies (1 credit),

physical education or junior ROTC (1 credit),

foreign language or occupational education (1 credit), and

electives (7 credits).

- B. Pass **both sections**, mathematics and English language arts, of the South Carolina High School Assessment Program (HSAP) Exit Examination.

The IEP team will decide if your child needs accommodations to take the HSAP Exit Examination. The accommodations will allow your child to take the test in a way that allows his or her knowledge and skills, rather than his or her disability, to be evaluated. These accommodations should be used in general education classes and should be listed in the IEP. Please make sure any accommodations do not invalidate the test results and will enable your child to earn a regular state-issued high school diploma.

- C. Show that he or she is computer literate before graduation.

- D. Earn 1 credit in a foreign language if he or she is enrolled in a college preparatory program or earn 1 credit in an occupational education course if he or she is enrolled in a technology preparation program.

Suspension and Expulsion

Your child with a disability may be suspended for up to ten days for violating the school's code of conduct. Suspension for more than ten days in a row may be a change in placement. If your child is suspended for less than ten days but is then suspended again several times for a total of more than ten days, it could be considered a change in [placement](#) depending on the length of each suspension and how close the suspensions are to each other. The school cannot change a placement without following the process required by federal and state law.

Your child may be suspended even if the behavior is caused by his or her disability but not for more than ten days in a row or an accumulation of 10 days or more if there is a series of removals that constitute a pattern. If there is a continuing problem, the IEP team can change a student's

placement—perhaps moving him or her to another school. If a student is recommended for suspension for more than ten consecutive days or is recommended for expulsion, the school must conduct a Manifestation Determination to review of the relationship between a student’s disability and the behavior that is subject to the disciplinary action. A team meets to determine if (a) the violation is a result of the student’s disability and (b) the violation is a result of failure to implement the IEP. The Manifestation Determination review must be conducted as soon as possible, but in no case later than ten school days after the date when the decision is made to take an action that results in a change in the student’s placement.

If a student is suspended for more than ten days, the school must

- continue to provide services and modifications, including those described in the student’s current IEP, that will enable him or her to meet the goals set out in that IEP and
- include services and modifications designed to prevent the behavior that caused the suspension from happening again.

The school cannot expel a student with a disability if the behavior that caused the expulsion is caused by the disability. If the behavior is not caused by the disability, however, the student may be expelled in the same way that a student without a disability can. The IEP team must determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving goals set out in his or her IEP.

If a student with a disability brings a gun or other weapon to school, knowingly possesses, uses, sells, or solicits drugs at school or at a school function, or causes significant bodily injury, the school can place the student in an interim alternative educational setting for up to forty-five calendar days. The student may be placed in the interim alternative educational setting for any of these reasons even if the behavior is related to the disability.

A due process hearing officer can place the student in an interim alternative educational setting if the school shows by “substantial evidence” that

- the student’s remaining in the current school is very likely to cause injury to him or her or to others,
- the school has made reasonable efforts to deal with the student’s behavior, and
- the student’s current placement is inappropriate.

The school can also go to court instead of a hearing officer to ask for a temporary order to remove the student if school authorities feel that student is a danger to him- or herself or to others.

Private, Home and Charter Schools

If a child is in a private school or home school, you may wonder if the school district should provide services. It depends on when, why, and how the child went to the private school. The following are some of the facts to remember:

- The school district is not required to pay for the cost of education—including special education and related services—of a student with a disability at a private school or facility or home school if the school district made a FAPE available to the student and the parents chose to place their child in a private facility.
- The school district will, however, include that student in Child Find efforts, including locating, identifying, and evaluating all students in private or home schools and religious schools within the jurisdiction of the school district.
- Private schools and home schools are advised of the availability of special education and related services and asked to provide input for the services to be provided. Although final decisions are made by the school district, the district shall consult throughout the school year with appropriate representatives of private school and home school children with disabilities—taking into consideration the funding requirement under 34 C.F.R. § 300.453, the number of private school and home school children with disabilities, the needs of private school and home school children with disabilities, and their location—to decide which children will receive services under 34 C.F.R. § 300.452, what services will be provided, how and where the services will be provided, and how the services provided will be evaluated. If services are received, they are provided through a services plan.
- If a school district disagrees with the views of private school officials or home school representatives on the provision of services or the types of services, whether provided directly or through a contract, the school district must provide the private school officials or home school representatives a written explanation of the reasons why the school district chose not to provide services directly or through a contract.
- School districts must obtain written affirmations signed by representatives of private schools verifying timely and meaningful consultation with the private school or home school representatives. If a private or home school does not provide the affirmation within a reasonable period of time, the school district must forward documentation of consultation to the State Department of Education (SCDE).

- Private or home school representatives have the right to submit complaints to the SDE that school districts did not consult with them in a way that was meaningful and timely, or did not consider the views of the private or home school representatives. The SDE then obtains a response from the school district and makes a final decision as to the complaint. A private or home school official who is dissatisfied with the SDE's decision may file a complaint with the United States Department of Education.
- If a parent disagrees with the school district about the availability of a program appropriate for the student or questions financial responsibility, the parent may request a due process hearing.
- If a student with a disability who has received special education and related services from the school district is enrolled by his or her parents in a private school because the parent believes the child is not receiving a FAPE, a court or hearing officer may require the school district to reimburse the parents for the cost of that enrollment. Reimbursement would be required if the court or hearing officer found that the school district had not made a FAPE available in a timely manner prior to that enrollment and that the private placement is appropriate.
- A parental placement may be appropriate even if it does not meet the state standards that apply to education provided by the school district.

Refusal of Reimbursement for Private School Fees

Reimbursement can be reduced or denied if a court or hearing officer finds that you acted unreasonably when you put your child in private school. It might be unreasonable if you do not do the following:

- Tell the IEP team at the most recent meeting that you reject the proposed placement, explain why, and say you are going to put your child in private school at public expense.
- Give the district written notice no less than ten business days before you put your child in private school. ("Business days" include holidays that fall on business days.)
- Make your child available after the district notifies you—before you put your child in private school—that it wants to evaluate your child, giving you a full explanation of the reasons why.

Reimbursement cannot be reduced or denied, however, because a parent has failed to provide notice if any one of the following situations exists:

- The parent is illiterate.
- The parent cannot write in English.
- Delay would cause serious physical or emotional harm to the student.

- The parent was prevented from providing notice or was not told that notice was required.

Charter Schools

Charter schools are public schools. If your child attends a charter school, the school district along with the Charter School Administrators have to make sure that special education services are provided to him or her just as it does to all other students with disabilities in the district.

Preschool

Transition to Preschool

Transition is a movement from one stage to the next. With toddlers who need special services, transition is the process of moving into preschool programs for children ages three to five. Planning makes the move smoother and helps to make sure your child will get needed services.

If your child is two years old, and has a disability or developmental delay, here are some things you need to know about this kind of transition:

- Private agencies usually contracted through BabyNet, provide intervention services to children from birth to age three. Public schools give preschool services to children ages three to five. A transition plan is needed when the child's movement is from a private agency to school and from one type of service to another.
- Not all toddlers who get early intervention services need or qualify for preschool educational services.
- Your child does not have to get early intervention services to qualify for preschool educational services.
- The transition plan becomes part of your child's individualized family service plan (IFSP). Your early intervention primary service coordinator will help your family through the transition.

Preschool transition planning starts when someone contacts the school district about a two-year-old child who may need special education services. That person can be you, your doctor, your clinic, or anyone else. If your child is getting early intervention services, the agency will start transition

planning with you. When your toddler turns two, the agency's service coordinator will

- give you training about the transition,
- update your toddler's IFSP, and
- get your permission to send information about your child to the school district.

The lead service coordinator and the school district will set up a transition conference with your family. The conference must happen at least ninety days before your child turns age three.

Preschool transition conference

The transition conference starts the transition process. This conference is a chance for you and the school staff members to share information and for them to get your permission to find out whether your child needs preschool. During the conference, the following will occur:

- School staff will get a chance to know about the needs of your child and family.
- You will hear about your options and the school district's preschool program, other services, and rules for eligibility.
- You will find out about your rights and responsibilities.
- School staff can get any needed records or information about your child so that they can see whether they need to schedule tests or get other information.
- You can give your written consent for your child to be evaluated.
- A transition plan will be worked out, including program options and key dates during the transition.
- You might be asked if you want to visit schools with programs for preschool children in your school district.
- School staff might suggest things you can do to prepare your child for the transition.
- You will have a chance to ask questions and give suggestions.

After the transition conference, the school district will start the screenings, tests, evaluations, and other actions needed to find out if your child is eligible for preschool special education services. If other professionals or agencies completed evaluations after your child turned age two, the school district can use those results to save time and keep your child from having to be evaluated again. Once that review is finished, you will be asked to join an IEP team to develop an appropriate program for your child.

If your child was not in an early intervention program, the school district will do the same things in a conference with you. School staff will want your child's records and the names of doctors, clinics, and other professionals whom your child has seen. Bring these records to the conference.

If your child turns three over the summer, the school district will complete the evaluations and paperwork to make sure your child can start preschool on the first day of school. But it is important to start the process early because the IEP team may decide that your child could be helped by summer services after his or her third birthday.

Going to preschool is a big change for your child. It is a different place with different teachers, children, and routines. These are some ways you can help make it easier:

- Participate in transition committee meetings and IEP team meetings. Explain what your child is like and what you think he or she needs. If you do not agree with something, say so. Try to work out with the others at the meeting another way of helping your child. You have a right to have the school district/agency invite the BabyNet transition coordinator to your child's IEP meeting.
- Take notes at the transition committee meeting about how the school district will evaluate your child. Explain the process to your child at each step very simply—for instance, tell your child that "a lady is going to talk to you and show you some pictures."
- At the IEP team meeting, ask questions about the program your child will be enrolled in. If possible, visit the program and talk to the teacher. Then every few days, tell your child little things about the program and the teacher. If your child can easily be taken to the program, ask the school if he or she can visit before the first day of preschool.
- Give your child a chance to learn the skills he or she will need in school, such as dressing for outdoors. If you know other children who go to that school, ask them to talk to your child about school.
- Meet with the teachers before school starts. Tell them about your child's likes and dislikes, strengths, and problems. Tell them what you want your child to learn. Find out the best ways and times to keep in touch with the teachers after your child starts school. How often they are going to get in touch with you? Your interest will make a difference to them.
- Make sure the school district gives you the dates and times of every meeting and evaluation appointment, as well as when your child starts school, when the bus comes, and when your child will return from school. Ask about anything your child needs to bring to school. Get information in writing if possible. That way, you can plan and prepare your child. Last minute surprises are not going to help you or your child.

Preschool Qualification

Whether or not a child received early intervention services, the school district has to use federal and state standards to decide if he or she qualifies for preschool. The goal of early intervention is to help the child catch up in development, so he or she may no longer qualify for services. Even if your child still qualifies for early intervention services, the federal and state definitions may not cover the disability when he or she goes to preschool.

If the district says your child does not qualify, you may want to do one of the following:

- Ask why in writing. And if you do not agree, appeal the decision (see the section titled “When Disagreements Occur”).
- Ask the district and your early intervention agency about other services for your child. The school district cannot help until your child is old enough for kindergarten, but they may know about other programs such as Head Start.
- Ask the district or the early intervention agency what you can do at home to help your child. Ask about good books, toys, and other materials you can use. Ask about the kind of schedule you can keep to help your child develop. Ask about places to go for help with your child and other resources in your community.
- If concerns are noticed after services are refused, go back. Initial refusal does not mean your child may not qualify in the future.

APPENDIX ONE

Transition after High School

When your child is a teenager and nearing the point when he or she will leave high school, you have reached a period of transition. This transition refers to the time when a student leaves school and enters the adult community. This change presents important challenges for both you and your child.

As they leave high school, all young people face a number of choices about careers, postsecondary education, living arrangements, and social life. For individuals with disabilities, these decisions are complicated by the need to compensate for or accommodate their learning problems or their emotional, physical or mental impairments. For some young people, transition also means becoming involved with an unfamiliar array of adult services.

As a parent of a child with special needs, you have probably become familiar with the school system and your rights under the Individuals with Disabilities Education Improvement Act (IDEA). Now as your child prepares to leave school, you will begin the process of entering a different phase in your relationship with your child. No longer will you be the sole decision-maker. Your child will be making many decisions alone. Your child may also be involved in the adult service system which does not have the set of guarantees that are part of IDEA. For adult services, the client is the person with the disability, and not that person's parents. Thus, with adult services, parents take a more secondary role and are no longer "in the driver's seat." Unlike school services, adult programs may have waiting lists. Also, adult services may have different entrance requirements and methods of operation from school

When Should We Begin Planning for Transition?

Preparing for transition should begin very early in children's lives and continue until they are able to be on their own. The parents' role is to help their children to achieve mastery of the skills necessary for functioning independently. Here is a suggested timeline for transition activities.

Suggested Transition Timeline

Age 0-2
Begin Financial Planning

Set aside money to assist your child when he or she makes the transition to adult living. Have a will written and revise it as necessary.

Encourage Language & Communication

Assist your child in learning some means of communication; the more vocabulary that is understood and expressed, the better.

Age 3-5

Involve Your Child in Social Activities

Enroll your child in preschool, religious education, cooperative play groups, and/or day care so that the child gets experience socializing with others.

Age 5-6

Seek Inclusion

Consider very carefully what type of schooling your child will receive. Make sure that he or she is included as much as possible in the typical school program. Regular kindergarten in your neighborhood school should be the first option to explore.

Age 6-11

Expect Your Child to Participate

Have your child do regular chores as part of the family's activities. Involve your child in neighborhood and community activities, including such things as scouts, swimming lessons, story hour at the library and so forth. Invite children to your home and make it a pleasant place for all types of children to visit.

Teach Your Child Life Skills

Assist your child in learning money management and shopping skills. Make your child responsible for good grooming and selection of clothing to wear. Teach your child to make simple meals and wash clothes.

Begin Sex Education

As your child grows and matures, help him or her to understand human reproduction and sexual development as a normal part of growing up.

Make Your Child Aware of Safety Issues

Some children with disabilities are vulnerable to exploitation because they do not have the ability to sense danger or predict consequences. It is important to teach your child how to protect himself or herself from harm. Begin early to teach your child how to avoid dangerous situations, what to do in emergencies, and who to call on for help.

Teach Your Child about His/Her Disability

As soon as your child is ready, provide information about his/her disability. Encourage your child to "take ownership" of the disability and begin to advocate for himself or herself. Include your child in the IEP process as early as possible.

Age 12-14

Functional Skills vs. Academic Skills

As your child enters middle school, give some thought to how much time in school should be spent on academic skills and how much on functional life skills such as independent living skills, social skills, and self-help skills. Some children will need to have emphasis in their schooling shift to functional skills that prepare them for the adult world.

Encourage Your Child to Work

Have your child do volunteer or paid work in the home, neighborhood or community. Assist your child in developing good work habits.

Age 14-18

Teach Your Child to Use Public Transportation

If your community has public transportation, teach your child to use it. Encourage your child to get to places in the community on his/her own.

Consider the Type of High School Program Your Child Will Pursue

Consider carefully your child's options for high school education. Decide at the outset what type of diploma your child will earn and when he or she is likely to graduate (e.g., at 18 or later). Encourage community based job training and life skills if these are appropriate activities for your child. Involve your child in all decision-making.

Begin Formal Transition Planning at School

Be sure that your child has a Transition IEP that addresses academics, vocational and living skills-whatever your child needs to make a successful transition. Begin to involve adult service agencies if your child will need these kinds of supports either short or long term.

Encourage Steps toward Independence

As appropriate, encourage gradual moves toward greater personal independence and self care. Encourage your child to find a job in the community. Assist your child in establishing an appropriate living arrangement and becoming involved in leisure activities in the community. Take on the role of coach on the sidelines and let your child become the decision-maker.

What Government Financial Benefits Are Available for Adults with Disabilities?

Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI) are federal programs that provide financial benefits to adults with disabilities who cannot fully support themselves financially. Individuals who are eligible for SSI are also eligible for medical benefits under Medicaid, and individuals receiving SSDI are eligible for Medicare. SSI benefits are paid to economically disadvantaged people who have a disability or are 65 or older. Children with disabilities under 18 are more likely to qualify for benefits under SSI than for SSDI benefits. People over 18 may receive SSI disability payments as adults, or SSDI payments on a parent's record as an "adult child" who has been disabled since childhood.

SSDI and Eligibility

The SSDI program is simply an insurance program providing coverage for individuals in case they should become disabled. For Social Security Disability purposes, to be considered disabled a person must have an impairment, either medical, psychological, or psychiatric in nature. The disabled person's impairment must also meet the definition of disability which essentially states that the impairment must be severe enough that it keeps the person from working, and earning above a certain amount, for at least twelve months. The funding for SSDI payments comes from tax withholdings from a person's earnings. Therefore, only people who have worked and paid taxes into the social security system are eligible for this program. In some cases, a person with a disability may be entitled to this benefit as a result of the work history of a deceased or retired parent. In general, however, persons must have worked approximately half of the months since turning twenty-one (21) years of age. The FICA taxes that were withheld from their paychecks during these months are considered "premium" payments toward SSDI insurance coverage. With SSDI, there is no partial or graduating payment. Individuals who are eligible either receive a full payment or none at all. If individuals are deemed no longer disabled or have reached the point that they are earning the specified amount or more per month, they lose all of their SSDI benefits. Once dropped from SSDI, individuals may keep their Medicaid coverage (usually up to 12 months) provided they pay their own Medicaid premium.

SSI and Eligibility

Supplemental Security Income (SSI) is quite different from SSDI. SSI is a federal income maintenance program that pays monthly stipends to individuals who are aged or disabled and to blind adults and children.

Eligibility requirements for SSI benefits are established by the Social Security Act and its regulations. To be eligible for SSI benefits an individual of any age must:

- Have little or no income or resources.
- Be considered medically disabled.
- Initially not be working or working with earnings less than the Substantial Gainful Activity (SGA) level, which the SSA currently has established as \$500 or more gross income per month.

The income and resources of parents of students under 18 are considered in determining income eligibility for SSI benefits. Income and resource requirements vary depending on the number of parents and children in the household. When a student turns 18, the parents' income and resources are no longer a consideration. As a result, a number of students who did not previously qualify for SSI benefits meet the income eligibility requirements when they reach age 18.

Can a Person Work and Still Receive SSI or SSDI?

Even though SSI and SSDI were originally provided by the government as support for individuals who would never be able to support themselves, the law was revised in the 1980s to encourage people with disabilities to go to work while still retaining part or all of their SSI benefits and remaining eligible for Medicaid or Medicare.

Plan for Achieving Self-Support (PASS). Normally, to be eligible for SSI, an individual cannot accumulate a savings or checking account with \$2,000 or more. But there is a way to save money for work related expenses in a special account. The individual develops a plan for achieving self-support (known as a PASS Plan) which allows a person with a disability to set aside income for a specified period of time for a work goal. For example, a person could set aside money for an education, vocational training, paying for a job coach, or starting a business.

The PASS Plan can help a person establish or maintain SSI eligibility and can also increase the person's SSI payment amount. PASS accounts can be started for a child at any age but generally are not held longer than 48 months. It is possible, also, to write a PASS for a child 14-18, sheltering parents' income and thereby qualifying the family for SSI.

A PASS Plan must be in writing and approved by Social Security. The plan must include a work goal, how long it will take to reach the goal, and what things the individual will need to reach the goal. In addition, the plan must include the cost of things the individual needs to reach the goal, and how much money he or she will need to set aside each month to pay for them.

Anyone can help set up a PASS Plan, a vocational rehabilitation counselor, an employer, a friend or relative, or the people at the Social Security office. A plan may be changed after it is approved, but the individual must tell the Social Security office what changes were made and the changes must be approved in advance.

For more information on work incentives, contact:

Graduating to Independence
Social Security Administration
Office of Disability
Division of Employment and Rehabilitation Programs
Room 545 Altmeyer Building
6401 Security Boulevard
Baltimore MD 21235
410-965-5419 or 410-965-9214
410-966-8597 (Fax).

Copies of Social Security publications are available on the internet at URL: <http://www.ssa.gov/>.

Who Is Eligible for Short-Term Vocational Services?

Vocational Rehabilitation (VR) serves individuals who have disabilities that constitute substantial barriers to employment. VR services are available for individuals with a wide range of disabilities, including persons with cognitive delays, physical disabilities, and learning disabilities. VR may not turn down a client because the individual is considered to be "too disabled." VR is supposed to assume that a client is potentially employable, no matter how severe the disability.

Visual Rehabilitation Services provides time-limited job training and placement services for individuals whose vision presents a substantial barrier to employment.

What Should I Do If My Child with Disabilities Wants to Go to College?

Many students who have been served in special education decide to continue their education past high school. For a student to become successful in postsecondary settings, the high school program can contribute valuable opportunities, such as the following:

- Developing student's study skills and learning strategies.
- Arranging job try outs allows students opportunities to evaluate different career and vocational options.
- Arranging needed accommodations for college entrance exams. Students are entitled to assessments that do not penalize them for their specific disabilities. These accommodations include extended time, a reader, a scribe, a separate testing area, or shorter test sessions. The important thing is for the students to learn which accommodations work best for them and gain the needed documentation to support their requests for the accommodations in standardized testing, and, later, college classes. For help with documentation, your child can consult with the high school guidance counselor.

College admission does depend on having at least the minimum qualifications for entrance. Because a student has a disability does not mean that all typical entrance requirements will be waived for him or her. Just like everyone else, students with disabilities can go to college if they have the intellectual capacity and educational background that prepares them to do well.

Students who do not meet the minimum entrance requirements may be able to enroll for college courses on a noncredit or pass/fail basis. Such students can audit classes or participate in nonacademic college activities as a way to gain experience or be involved in age appropriate activities.

Identify colleges that provide educational programs relevant to career interests. For any student seeking college admission, the planning should begin early in high school. For the student with disabilities, the choice might be more difficult because of issues related to special admissions and ensuring that the needed support services are available. Matching the desired educational program and level of needed support services is an

important step in college selection. College directories typically list the types of student supports available. Most campuses have student support centers where eligible students can go to take tests orally, receive assistance with notetaking or reading textbooks. Many campus libraries have screen readers available for blind or print impaired students to use. Computer laboratories will sometimes also have available adapted keyboards and other access devices.

Identify the types of accommodations and support services that the student needs because of his or her disability. Colleges do not provide special education, but they do provide support services to assist students with disabilities. Provision of services is based on the individual institution's own choice of models. For this reason, it is very important for a student with disabilities to find out the specific supports offered in any particular postsecondary school. Typical supports include registration priority, notetakers, interpreters, tutoring, special classes, liaison with faculty, community liaison, and support groups. To be eligible for these services and accommodations, a student must have proof of disability, such as a *recent* psychoeducational assessment or special education records. Be aware that some schools will require more proof of disability than just special education records.

Get assistance in the application process. Applying to colleges and for financial aid packages can be a daunting task, especially for students with disabilities. High school guidance counselors and resource teachers can be helpful in assisting students with filling out applications and writing the required essays. There are some college scholarships available for students with specific disabilities, especially sensory impairments like blindness or deafness. Directories of college scholarships provide information about disability-related financial aid.

The IEP team at the end of the student's high school year may provide assistance in preparing the documentation that the student can take to the college. The high school setting provides many protections and coordinated services that are greatly reduced, if not eliminated, once the student graduates from high school. Documentation of the history of the disability and effective interventions represents a valuable resource that can guide college administrators and counselors in working effectively with students and reducing the apprehension and frustration they encounter in learning a new system. This documentation should include results of a recent comprehensive evaluation, a summary of previous evaluations, and, most important, information on the type and extent of services that have been provided.

Are Modifications Available for the College Entrance Tests?

Modifications are available for both the two major college entrance tests, the Scholastic Assessment Tests (SATs) and the American College Testing (ACTs).

How Can I Find Out About Accommodations on the SAT ?

For information regarding special SAT accommodations, contact a school guidance counselor or write to:

SAT Services for Students with Disabilities
PO Box 6226
Princeton NJ 08541-6226

The following accommodations may be requested: large type test booklets; a reader; use of a magnifying glass; an audio cassette version of the test; a person to record answers; extended time.

In order for a student to receive SAT accommodations, the student's guidance counselor or other designated professional must certify that the student meets the eligibility requirements as set forth by the Admissions Testing Program (ATP). Requests for special accommodations must be submitted at least six weeks earlier than a regular request for SAT testing. Please note that the SAT test with accommodations may be given at a different time from the usual SAT testing dates.

What Is the Format of the ACT? What Accommodations Are Available for the ACT?

The ACT is similar to the SAT with both verbal and mathematical sections. Requests for special accommodations on the ACT must be made four to six weeks prior to the test date, and a Request for ACT Assessment Special Testing form must be completed and sent with the request.

To be eligible for test accommodations on the ACT, the student must submit a copy of the current IEP and a statement that the student cannot test under standard conditions. There must be a re-diagnosis or reconfirmation of the disability within the last three years that the disability still exists, and it must be done by a qualified professional whose credentials are appropriate to the disability. An IEP on file at the school within the last three years is generally acceptable reconfirmation. The following accommodations may be requested: extended time; alternate test form; audio cassette edition with

regular type copy; four function calculator; a reader; a person to record answers.

For more information, contact the school counselor or write:

Special Testing-61, ACT Universal Testing
PO Box 4028
Iowa City IA 52243-4028.

Overall, What Are the Most Significant Barriers to Successful Transition?

No matter what the disability or the level of severity of disability, young adults with disabilities report that the most significant barrier in adult living is social isolation.

When young people are out on their own for the first time, they quickly discover that making friends and having a social life is critical to their happiness and well-being. When young people are still in school, social interactions take place on a daily basis, sometimes without much effort on the part of the student with a disability. In the adult community, however, young people have to be active in seeking out connections and ways to belong.

To assist a young person in making the transition to an active adult social life, it is important to begin creating a network of social support while the individual is still in school. This network might include relatives and family friends, connections to a church or religious organization, and contacts within public recreation programs (e.g., YMCA or YWCA, community sports).

Young people need practice during the teenage years in making social arrangements, inviting friends to participate in activities like going to the movies or a baseball game, and participating in community activities like volunteering with civic projects, joining a political campaign, or being involved in hobbies.

What About Attitudinal Barriers?

Though public attitudes toward disability have become more accepting in the past twenty years, young people with disabilities may still encounter prejudice. As they grow up, an important set of coping skills to learn is how to react when they encounter prejudice. Is this a time to educate a person who is ignorant? Is this a time to assert rights which are guaranteed in law?

Or is this a time to shrug it off and carry on with good humor and self confidence; knowing that disability is not the defining feature of a person's nature or character?

Encountering prejudice is never pleasant, but it is a fact of life for people with disabilities, particularly when those disabilities are visible. Individuals have to come to terms with prejudice and deal with it in ways that are natural and comfortable for them. Parents can help their children face prejudice by being up front about its existence and matter-of-fact in dealing directly with prejudice when it occurs.

The one thing that parents should not do is attempt to protect their children from prejudice by keeping them sheltered from encounters with the public. Children learn how to cope with unpleasant remarks or prejudicial treatment by observing how their parents respond to these situations and deal with them effectively. Children with disabilities need to know that having a disability is not a reason to feel ashamed or to accept abuse or denigration. Facing prejudice in constructive ways helps young people to develop skills and feel more personally competent and confident.

Planning for transition involves making decisions about how a student moves from school into the community. Such planning requires asking several important questions:

- Does the student have the skills necessary to obtain employment?
- Is the student a candidate for postsecondary education (e.g., college, vocational training, military)?
- Does the student have special needs for transportation?
- Does the student have the social skills to behave appropriately on the job? In the community?
- Where will the student live? With parents? In an apartment? In his or her own home? With a roommate? In a group home? In adult foster care?
- Will the student be self-supporting or will he or she require support through government benefits? Family resources?
- Will the student require supervision for some or all decision-making?
- Does the student know how to use leisure time?
- Will the student have friends or make friends in the community?
- Has the student mastered independent living skills like cooking, grocery shopping, cleaning and so forth?
- Can the student manage money, pay bills, keep a checkbook?
- Does the student require an attendant to help with personal care needs?

Answers to these kinds of questions provide the basis for transition planning. If a student lacks skills in important areas of adult functioning, then the student can work on those skills while still in school and become better prepared to take on adult responsibilities after graduation from high school.

How Should Students Be Involved in Transition Planning?

IDEA requires that students be involved in some way in making choices concerning their transition plans. Most students with disabilities can attend their own meetings and express their views, but they will need some assistance in understanding the process and knowing how to contribute. According to South Carolina law, all students are required to have an Individual Graduation Plan (IGP). This plan should be related to the transition activities on the student's IEP.

The National Information Center for Children and Youth with Disabilities (NICHCY) has produced a Technical Assistance Guide on Student Participation in transition plans. This guide is written for parents and teachers who would like to help students with disabilities become involved in developing their own transition plan. The guide is accompanied by an audiotape of teachers and parents discussing how they have helped students become active participants in the IEP process. NICHCY may be contacted at 800-695-0285 (voice/TTY). Their publications are also available on the internet at URL: <http://www.nichcy.org/>. (the Guide is also available through the TRIC/PLUK Library at 800-222-7585)

While the concept of involving students in developing their own IEPs may seem difficult at first, in fact, students have much to gain from being involved. During the process, they can:

- learn more about their strengths and skills and be able to tell others what their goals and needs are;
- learn more about their disability, including how to talk about and explain the accommodations which help them to compensate for the effects of the disability.
- Sometimes parents find it difficult to assist their children with self-determination skills. High school resource teachers or guidance counselors are good resources for teaching these skills. If you would like staff assistance with teaching your child self-determination skills, contact the school and make self-determination skills part of your child's transition IEP.

How Are Self-Determination Skills Best Taught?

Involving students with disabilities in the planning process is not something that occurs automatically. Most young people, whether they have disabilities or not, will need help with learning the skills necessary for self-determination; that is, thinking and planning for themselves. The following are typical self-determination skills:

- Personal goal setting. Goal setting involves answering those difficult questions like: What do I want to do? Where do I want to live? How do I want to go about getting out on my own?
- Coming to terms with disability and recognizing strengths and limitations. Adolescence is a time when young people develop their sense of personal identity. For youth with disabilities, their identities include having a disability. At some level, all young people with disabilities have to come to terms with how their disabilities affect body image, sense of competence, and concepts of personal integrity and independence. Some young people have to struggle with facing a lifetime of personal care assistance from family members or paid assistants; others have to recognize that they will have to use compensatory skills or adaptive equipment in order to conduct their daily lives; still others will have to come to terms with taking medications or enduring treatments that allow them to function and participate as normally as possible in daily life. Often parents have taken some or even all the responsibility for coping with their children's disabilities. As the child reaches the time in life when he or she will be entering the adult world, parents have to let go of some of their support and vigilance while the child takes over more and more personal responsibility. This can be a difficult process both for parents and for their children, but it is a necessary one in order for the child to achieve as much independence as possible.
- Taking risks. Moving into adult living means that young people must make choices and take risks in areas that may not be as safe and nurturing as their home environment with parents. Part of growing up for all children involves venturing out and making mistakes, learning from mistakes, and going on.
- Asking for help. Youth with disabilities have to learn gradually how and when to ask for help. Often for them, this is the hardest part of growing up. Many young people with disabilities want to be fiercely independent. Just like other teenagers, they do not want to look or act different from anyone else. There are, however, times when it is

absolutely necessary for young people to face their actual differences from others and ask for help when needed.

- Asking for help may mean physical assistance with simple things like opening doors or carrying a lunch tray, or it may mean harder things like asking a teacher to shorten an assignment or explaining to a boss that directions need to be repeated.
- Using support services. More and more support services are available to assist people with disabilities, but these supports are useless if the individual does not take advantage of them. Students with disabilities have to be taught how to use assistive devices and adaptive equipment. They have to learn about where special services (e.g., special transportation, tutoring services, low vision clinics) are located and how to access them. They have to learn how to plan their time so that they can take advantage of support services and still get everything done that is expected of them at school or on the job. Using support services takes practice and a good sense of humor. The high school years are a good time to practice using supports when there are still people around to provide instruction and assist with problem-solving.
- Articulating needs. Sometimes the hardest part about seeking support is telling others what is needed. Many young people with disabilities need practice in explaining what they need to peers, adults, employers, teachers, and members of the general public.
- Achieving self advocacy. As students with disabilities reach adolescence, they need to learn gradually how to be advocates for themselves. As they are able, they must take on the roles of explaining to others their legitimate needs, responding to questions about their disabilities, and asserting their rights.

How Long Can Special Education Students Stay in School?

Students who are not in special education usually graduate from high school at 18 or 19. For students in special education, local school districts in South Carolina may allow them to stay in school longer until age 21 or 22.

When a transition plan is written for a student, the plan should indicate when the student is expected to graduate. When a student is graduating, there should be a formal meeting to exit the student from special education. A Summary of Performance (SOP) is written and given to the student. The SOP provides the student with a summary of the student's academic

achievement and functional performance, which includes recommendations on how to assist the student in meeting postsecondary goals

Do Special Education Students Have to Earn Credits toward Graduation?

High school students must earn a certain number of credits and pass an exit exam in order to receive a high school diploma. This is also true for students in special education who plan to attend college after high school or who wish to take standard academic or vocational/technical courses. Some special education students, however, do not take the standard courses for which academic credit is given.

APPENDIX TWO

Progress Monitoring

Student Progress Monitoring: What This Means for Your Child
Prepared by: Kathleen McLane

Our children's progress is being monitored constantly at school, through the steady stream of homework assignments, quizzes, tests, projects, and standardized tests. On first hearing the term 'student progress monitoring,' our initial reaction may be 'they're doing this already!' or 'more tests?'. But do you really know how much your child is learning or progressing? Standardized tests compare your child's performance with other children's or with state standards. However, these tests are given at the end of the year; the teacher who has been working with your child during the year will not be able to use the test results to decide how to help your child learn better. Progress monitoring can give you and your child's teacher information that can help your child learn more and learn faster, and help your child's teachers teach more effectively and make better decisions about the type of instruction that will work best with your child. In other words, student progress monitoring is not another way of assigning a number to your child; it is a way of helping the child learn and the teacher teach.

What is Student Progress Monitoring?

Student progress monitoring helps teachers evaluate how effective their instruction is, either for individual students or for the entire class. You are probably already familiar with the goals and objectives that must be included in the Individualized Education Plan (IEP) for each child who receives special education services. A teacher who uses progress monitoring works with the goals in the IEP, and the state standards for the child's grade level, to develop goals that can be measured and tracked, and that can be used to divide what the child is expected to learn by the end of the year into shorter, measurable steps. For example, the child may have a reading goal that is stated in terms of the number of words per minute expected by the end of the year. Or, the child may have a math goal that is stated as the number of problems scored correctly on tests covering the math content for the year. Once the teacher sets the goals and begins instruction, then he or she measures the child's progress toward meeting the goals each week. All the tests have the same level of difficulty, so the weekly tests can reflect the child's rate of progress accurately. With each test, the teacher compares how much the child is expected to have learned to the child's actual rate of learning.

If the child is meeting or exceeding the expectation, the teacher continues to teach the child in the same way. If the child's performance on the measurement does not meet the expectation, then the teacher changes the teaching. The teacher might change the method being used, the amount of instructional time, the grouping arrangement (for example, individual instruction versus small-group instruction), or some other aspect of teaching. In this process, the teacher is looking for the type and amount of instruction that will enable the child to make enough progress toward meeting the goal. The measurements take from 1 to 5 minutes, so the child should not have the feeling of constantly being tested. In addition, since the teacher measures progress frequently – usually once a week – he or she can revise the instructional plan as soon as the child needs it, rather than waiting until a test or the state assessment shows that the child's instructional needs are not being met.

After each weekly measurement, the teacher notes your child's performance level and compares it to previous measurements and to expected rates of learning. The teacher tracks the measurements on a graph as a way of showing the success of both the teacher and the student.

What Information Should I Receive From the School?

If a teacher, or a school, decides to implement student progress monitoring, you may receive a letter describing the program and how the teacher will be working with your child, or it may be discussed at your child's IEP meeting. After that, you should receive regular feedback from the teacher on how well your child is doing, perhaps with a copy of the graph itself and information on instructional changes. If you do not receive the graph and instructional information, ask for it. For more information visit www.studentprogress.org.

This document was developed through Cooperative Agreement (#H326W0003) between the American Institutes for Research and the U.S. Department of Education, Office of Special Education Programs through the National Center on Student Progress Monitoring.-

APPENDIX THREE

Parent Dictionary

On the next several pages, you will find definitions for a number of words often used by the people who work with children with disabilities. Different school districts and educators may use these words in somewhat different ways.

Accommodation –An accommodation gives the student equal access and opportunity to benefit from the general education program. The student does things differently from other students because of a disability or impairment. An example of “accommodation” is the visually impaired student who reads by listening to a recording of a textbook.

Advocacy - agencies or individuals acting on behalf of themselves or others.

Annual Goal - a statement in an IEP of what a student needs to learn and should be able to learn in his/her special education program within a year.

Annual Review - a review of a student's special education program each year which includes an update of the student's progress, a review of the current IEP, and development of a new IEP for the upcoming year.

Appeal - a written request for a court to review or change the decision of a hearing officer.

Assessment - a way of collecting information about a student’s special learning needs, strengths, and interests to help make educational decisions. An assessment may include giving individual tests, observing the student, looking at records, and talking with the student and his/her parents.

Behavioral Intervention - a method or technique used to influence a student’s actions.

Behavioral Intervention Plan (BIP) - a written plan developed as part of the IEP to address a serious behavioral problem. It is based on a functional behavioral assessment of the student’s behavior, describes the interventions to be used, methods of evaluation, and provisions for coordinating with the home.

Business Day – Monday through Friday except for Federal and State holidays.

Claim - the written or electronically submitted request for payment of benefits for Medicaid-covered services that have been provided to students.

Complaint - the written action taken to notify the state education agency that special education regulations are not being followed.

Confidential - being careful and using good judgment in reporting only the information that is educationally relevant about a student when disclosing personal information to school personnel and others.

Consent -a voluntary agreement by the parents to let the school take an action which affects their child’s education. Consent is shown by the parent signing a form or letter which describes the action the school wants to take.

Day – a calendar day, unless otherwise indicated as a “business day” or “school day”.

Date of Referral – The date on which written parental consent to complete an evaluation is obtained or provided.

Directory Information - data that may be released to the general public unless a parent requests that any or all information not be released. The information shall be limited to parent name(s) and address(es), student name, address, gender, grade level, birth date, birth place, academic awards, degrees, honors, participation in school-sponsored activities, major field of study, and period of attendance in school.

Disability -a problem or condition that makes it hard for a student to learn or do things in the same way as most other students. A disability may be short-term or permanent.

Due Process - a legal term that assures that persons with disabilities have the right to challenge any decision made on their behalf.

Due Process Hearing -a formal meeting held to settle disagreements between parents and schools in a way that is fair to the student, the parents, and the school. The meeting is run by an impartial hearing officer.

Due Process Hearing Officer - an impartial person in charge of a due process hearing who issues a written decision based upon the evidence and

witnesses presented at the hearing. This person is not the district discipline hearing officer.

Duration -the length of time a student will need a special program or service during the school year or extended school year, as documented on the IEP.

Early Intervention -programs and services provided to infants and toddlers with disabilities from birth through age 2.

Educational Surrogate Parent - a person who protects the educational rights of a student with disabilities who has no parent/guardian available.

Eligibility Conference -a conference held to determine, review, terminate, or consider changes in a student's eligibility for special education.

Eligibility Conference Summary Report – a written report containing a summary of the results of the evaluation and the determination of eligibility for special education.

Eligible - a decision that determines a student meets the requirements for and is in need of special education and related services. The decision is based on the results of the evaluation and the conclusions reached at the eligibility conference.

Evaluation - collecting information about a student and any problems that may affect his/her educational development for the purpose of determining eligibility for special education and related services. The evaluation may include giving individualized tests, observing the student, looking at records, and talking with the student and his/her parents (see also assessment).

Facilitated Individualized Education Program - using skilled facilitators to guide IEP meetings in a situation where parties are having difficulty reaching agreement.

Free Appropriate Public Education (FAPE) - the words used in the federal law (IDEA) to describe the right of a student with disabilities to receive special education and related services which will meet his/her individual learning needs, at no cost to the parents.

Functional Behavior Assessment (FBA) or Functional Assessment (FA) -is a systematic process for identifying the events that trigger and maintain problem behavior in an educational setting. A Functional Behavior Assessment will describe specific problematic behaviors, report the frequency of the behaviors, assess environmental and other setting

conditions where problematic behaviors occur and identify the factors that are maintaining the behaviors over time.

Independent Educational Evaluation (IEE)- an assessment conducted by someone who is not employed by the school district. The person(s) completing the assessment must be fully trained and qualified.

Individuals with Disabilities Education Improvement Act (IDEA '04 or simply IDEA) - the federal law that requires a free and appropriate public education (FAPE) be provided to any child with a disability. Enacted in four parts, the IDEA mandates the provisions under which services are provided to all eligible students regardless of the severity of the disability. The IDEA identifies disability categories, evaluation processes, service delivery, due process rights and parent participation.

Individualized Education Program (IEP) - the written educational plan for a student receiving special education and related services with goals and objectives to be attained during a calendar year.

Individualized Education Program (IEP) Team – the group of individuals who determine the special education and related services to be provided to an eligible child. The IEP team and other qualified professionals are required to participate in meetings when identifying specific assessments, determining eligibility, and conducting manifestation determination reviews.

Individualized Education Program (IEP) Conference - a meeting held to develop, review, and consider changes in a student's special education and related services and educational placement.

Individualized Family Service Plan (IFSP) - a written plan for eligible children aged birth through 3 receiving early intervention services.

Initiation Date - the date, month, and year in which a program or service will begin as documented on the IEP.

Least Restrictive Environment (LRE) -the requirement that children with disabilities shall be educated to the maximum extent possible with children who do not have disabilities.

Local Education Agency (LEA) – A school district.

Local Education Agency Representative (LEA) - is a representative of the school or school district qualified to supervise the provision of special education and to ensure that the educational services specified in the IEP are

provided. The LEA Representative will have knowledge regarding school district resources and the authority to commit those resources.

Mediation -a process in which parents and school personnel try to settle disagreements with the help of a trained mediator provided by the South Carolina Department of Education.

Medicaid - a federal-state public medical assistance program that enables eligible recipients to obtain medical benefits outlined within the state Medicaid guidelines.

Placement -the identification of special education and related services and development of an instructional program and setting for a student.

Present levels of academic achievement and functional performance - statements in an IEP that specifically describe what a student can or cannot do.

Positive Intervention -a reinforcer (e.g., praise, positive points, tokens) provided in order to increase the frequency of the response (e.g., praising a student for cooperative turn-taking).

Reevaluation - an assessment that occurs every three years, or more if needed, to determine continued eligibility for special education.

Referral -the process of requesting that a student be evaluated for special education and related services. Any concerned person may refer a student, including teachers, principals, parents, other agency personnel, or the student.

Related Services -support services needed by a student in order to benefit from special education services. These may include transportation, occupational therapy, physical therapy, speech/language therapy, school social work services, etc.

School Day - any day, including a partial day, during the regular school year that students are in attendance at school for instructional purposes.

Screening - a review of all children in a given group to identify those students who may need extra interventions to be successful in school.

Short-Term Instructional Objectives/Benchmarks - statements in an IEP that describe small steps a student must learn or master before he can reach the "annual goals" set for him/her.

Special Education - is specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including: a) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; b) instruction in physical education; c) speech-language services; d) travel training; and e) vocational education (career and technical education).

Student Permanent Record - file that includes the following information: parent name(s) and address(es), student name, address, birthdate, birth place, gender, transcripts, grades, class rank, graduation date, grade level achieved, scores on college entrance exams, attendance reports, accident reports, health records, release of information forms, honors/awards received, and participation in school-sponsored activities and events.

Supplementary Aids and Services - aids, services, and other supports that are provided in general education classes or other education-related settings to enable students with disabilities to be educated along with non-disabled students to the maximum extent appropriate. Supplementary services include, but are not limited to, the following: itinerant or resource assistance, sign language interpreting, tutoring, consultation, note taking, assistive technology services, and training for general educators. Supplementary aids include, but are not limited to, the following: large-print textbooks, auditory trainers, curriculum adaptations, classroom modifications, adaptations, time management, behavior management, augmentative communication, and assistive technology devices.

APPENDIX FOUR

Accommodations and Modifications

From the PEAK Parent Center

Accommodations & Modifications Fact Sheet

Every child with a disability has a right to attend general education classes and to have accommodations and modifications so they can be successful in those classes. These can include changes in the method of instruction, the curriculum, and the environment. Accommodations and modifications are important tools for a child to successfully accomplish Individual Education Plan (IEP) goals and objectives and participate actively with other students in classroom and school activities.

Accommodations are changes in how a student accesses information and demonstrates learning. Accommodations do not substantially change the instructional level, content, or performance criteria. The changes are made in order to provide a student with equal access to learning and equal opportunity to show what he or she knows and can do. Accommodations can include changes in the following:

- presentation and/or response format and procedures
- instructional strategies
- time/scheduling
- environment
- equipment
- architecture

Modifications are changes in what a student is expected to learn. The changes are made to provide a student opportunities to participate meaningfully and productively along with other students in classroom and school learning experiences. Modifications might include changes in the following:

- instructional level
- content
- performance criteria

Examples

The following are some examples of accommodations and modifications that can be provided in the general education classroom. Note: This is not a

complete list. The IEP team determines accommodations and modifications that meet the unique and individual needs of the student.

Accommodations:

- test taken orally
- large print textbooks
- additional time to take test
- locker with an adapted lock
- weekly home-school communication tool, such as a notebook or daily log book
- peer support for note taking
- lab sheets with highlighted instructions
- graph paper to assist in organizing and lining up math problems
- tape record lectures
- use of a computer for writing

Modifications:

- outline in place of essay for major project
- Picture Communication Symbols (PCS) choices on tests
- alternative books or materials on the same theme or topic
- spelling support from a computerized spell check program
- word bank of choices for answers to test questions
- use of a calculator on a math test
- film or video supplements in place of text
- questions re-worded using simpler language
- projects substituted for written reports
- important words and phrases highlighted

Deciding which accommodations and/or modifications to use depends on the assignment and the needs of the individual student. For example, a particular student may need more time to take English tests and also need to use a calculator for all math assignments. When the appropriate adaptations are made to how/and what the student is learning, he or she has true access to the general education curriculum.

Accommodations and modifications are types of adaptations that are made to the environment, curriculum, instruction, or assessment practices in order for students with disabilities to be successful learners and to participate actively with other students in the general education classroom and in school-wide activities.

APPENDIX FIVE

Response to Intervention (RtI)

Response to Intervention (RtI) is a national movement designed to accomplish three important goals: 1) Ensure that every student in need of academic intervention receives high-quality, research-based instruction as soon as the need is detected, 2) Provide progress-monitoring tools to ensure that teachers are making data-based decisions about the interventions being utilized and adjusting interventions based on the data, and 3) Provide a practical and scientifically defensible method of qualifying students as eligible for special education services based on their response to the interventions being provided. In other words, lack of adequate response to intervention after systematically providing research-based interventions for a significant amount of time qualifies a student for special education services. The interventions themselves become the “test” for eligibility.

The following was adapted from “Response to Intervention: An Overview: What Is It? Why Do It? Is It Worth It?” By W. David Tilly III, PhD, Coordinator of Assessment Services, Heartland Area Education Agency, Johnston, Iowa. *The Special Edge*, Winter/Spring 2006, Volume 19, Number 2.

What is RtI?

RtI is not an instructional program, a curriculum, a strategy, or an intervention. It is not an educational revolution or fad. RtI, stated simply, has three general components: (1) it is a logical structure for allocating precious instructional resources efficiently and targeting them specifically to student needs--all student needs; (2) it is a commitment to use the best findings from our current and emerging knowledge base (scientific research) as we go about our instruction; and (3) it is a commitment to use a logical, decision-making framework to guide our instruction (this has been variously referred to as data-based decision making or the problem-solving method).

Resource Allocation Structure

RtI is implemented by bringing together several components in a single school. The collaboration and coordination that is required is the good news--and it is also RtI's biggest challenge. Even within any single school district, there are notable differences from site to site: the available resources, the teachers, their backgrounds, the history, the politics, the culture, the curriculum, and the students are all going to vary to some degree. Any initiative that is not sensitive to and respectful of these variations is doomed

to failure--how many packaged programs can you think of that have not worked because they failed to consider these variables?

One of the biggest challenges in improving results for our students involves giving them what they need. Unfortunately, the historical structures in our schools have gotten in the way of that happening. In many cases, we have organized our resources by categorical program or funding stream (e.g., Title I, special education, English language learners, talented and gifted, etc.). But knowing that a student qualifies for Title I assistance, for example, tells us absolutely nothing about that student's specific learning needs. However, most RtI systems adopt what is called a tiered model of service delivery (Figure 1). The basic model reflects much of what we all know about reality: in any group of students within our school, instructional needs will vary. Tier 1 represents the largest group of students, those who are educationally healthy and remain so through instruction in the general education (some call it "core") curriculum. We also know that some smaller group of students, depicted in Tier 2, will need something supplemental (also referred to as "strategic instruction") to their core instruction to support their learning and raise their achievement to proficiency or above. Finally, we also know that there is an even smaller group of students, Tier 3, who will need intensive instruction if their learning is to be appropriately supported.

Some argue that we already have a tiered system: we had general education, Title I, and special education; so how is this different? The answer is that in the tiered system, resources are not allocated based on broad generalities like economic condition or the catch-all "learning disability." They are allocated and specifically matched to exact needs that students have demonstrated based on their performance on efficient diagnostic assessments.

Scientific, Research-Based Strategies

In RtI systems, many, many different strategies can and are being used with groups and individuals. These strategies all share a set of characteristics. First, they all respect the rights and the human dignity of children and their families by responding to the uniqueness of specific, individual needs. Second, to the extent possible, they have scientific research supporting their effectiveness. Just as the FDA protects consumers from hucksters and ineffective medical treatments, the RtI principle of using research-based practices protects us from wasting time and protects our students from being subjected to ineffective practice. One caveat, however, is that there are many areas in education where we don't have definitive research on what works best. In these circumstances, we have to implement promising practices, monitor the effectiveness of the strategies, and modify our

implementation based on the results we get. And third, the strategies that are part of RtI implementations work. If they do not, they are systematically rejected and replaced.

Decision-Making Framework

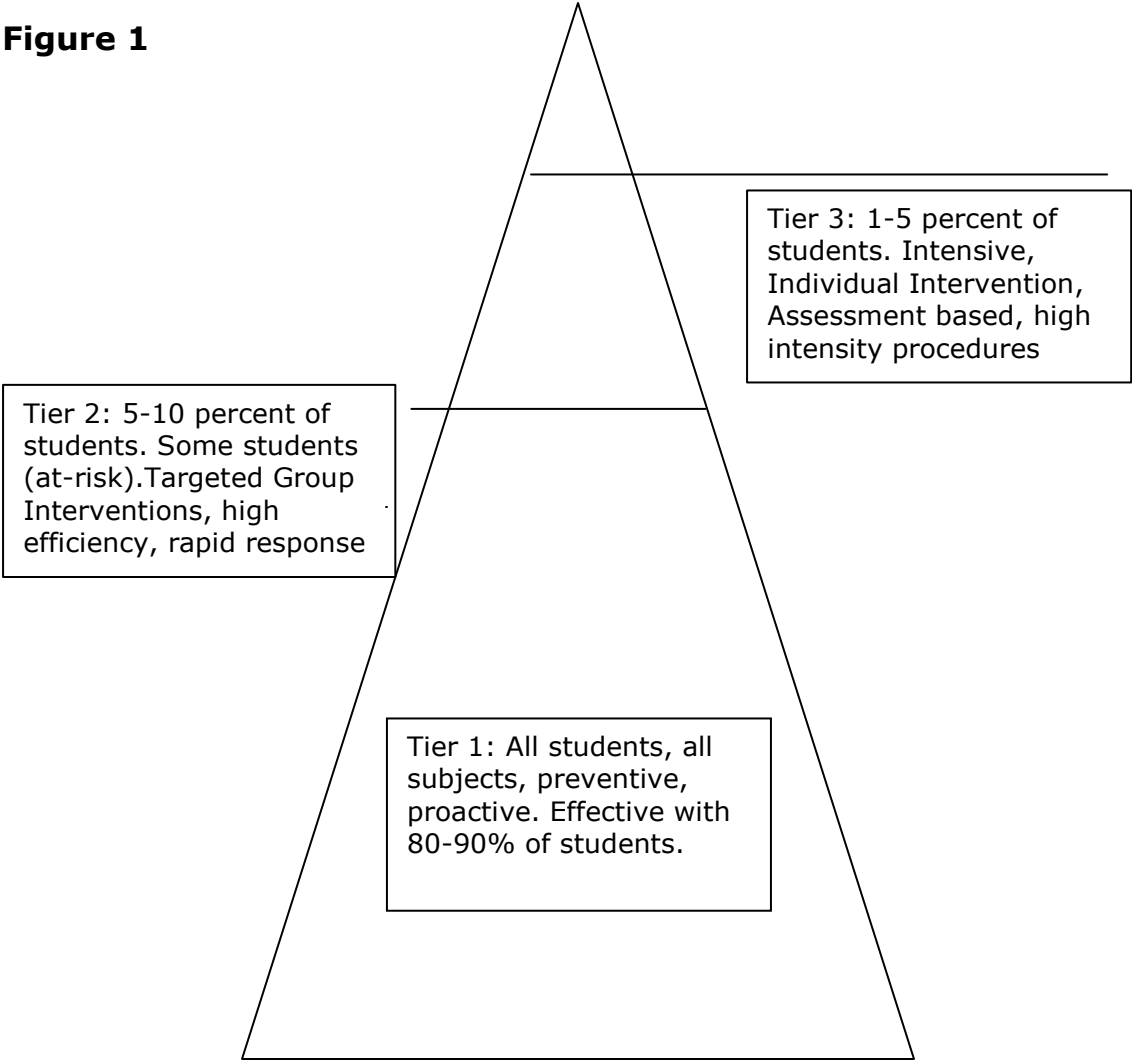
One important component of RtI systems is that they are self correcting. Though we wish it were otherwise, in education we cannot predict with certainty whether any instruction, strategy, or intervention is going to work with an individual student before we try it. While we do have research-based strategies and those things we believe in and that work for some, if we are honest with ourselves, we know that nothing works for everyone. As such, we need to have in place for all students a system that gives us feedback when they are learning and that helps us make good instructional decisions when they aren't. That's specifically what the problem-solving method does within an RtI framework--it provides a structure for using data to monitor student learning, in an instructionally relevant way, for groups and individuals so that good decisions can be made. Stated simply, when we use data to make decisions about our instruction, we make better decisions.

Do We Have to Do This?

In the IDEA '04 statute (the Individuals with Disabilities Education Act, amended in 2004), RtI is offered as an option for schools, not a requirement. But it's critically important for all educators to remember the following: RtI has evolved in the last 15 years or so through a confluence of (1) understanding that what we have been doing isn't getting us as far as we need to go in terms of student outcomes; (2) understanding that there are some relatively new, effective practices out there; (3) recognizing that, in order to make this all work, we can't tinker around the edges--we have to take on the whole system at once and reengineer it around teaching and learning; and (4) good, bad, or indifferent, understanding that we are now living in the age of accountability. More of our students must do better more of the time. RtI is a very reasonable way to do this.

RtI as a concept currently lives in the IDEA '04 statute under the section related to identifying specific learning disabilities (SLD). This placement has caused some to think that RtI is about identifying students with SLD. While it is true that data collected in RtI systems can be used as one component of a comprehensive evaluation for special education eligibility determination, this was never RtI's purpose, which has always explicitly been to improve instruction for students.

Figure 1



APPENDIX SIX

Resources

Pro-Parents
652 Bush River Road
Suite 203
Columbia, SC 29210
803 772-5688
1-800-759-4776
Fax: 803-772-5341
E-mail: PROParents@proparents.org
<http://www.proparents.org/index.html>

Family Resource Center for Disabilities and Special Needs
1575 Savannah Highway
Suite 6
Charleston, SC 29407
843-266-1318
Fax 843-266-1941
E-mail: frc@frcdsn.org
1-800-922-8503
www.frc-sc.org/

Family Connection
2712 Middleburg Drive
Suite 103-B
Columbia, SC 29204
803-252-0914
1-800-578-8750
Fax: 803-799-8017
Email: info@familyconnectionsc.org
<http://www.familyconnectionsc.org/home/>

South Carolina Autism Society
806 12th Street
West Columbia, SC 29169
803-750-6988

800-438-4790
Fax: (803)750-8121
<http://www.scautism.org>

South Carolina Department of Disabilities and Special Needs
Street Address:
South Carolina Department of Disabilities and Special Needs
3440 Harden St. Ext.
Columbia, SC 29203

Mailing Address:
South Carolina Department of Disabilities and Special Needs
PO Box 4706
Columbia, SC 29240
Agency Receptionist: (803) 898-9600
V / TTY: 803-898-9600
Fax: 803-898-9653
Toll Free: 1-888-DSN-INFO 376-4636
<http://www.state.sc.us/ddsn>

South Carolina Department of Education Office of Exceptional Children
1429 Senate Street
Suite 808
Columbia, SC 29201
803-734-8224
866-628-0910
<http://ed.sc.gov/agency/Standards-and-Learning/Exceptional-Children>

Resources for free and low cost legal services:

Protection and Advocacy for People with Disabilities, Inc.
3710 Landmark Drive Suite 208
Columbia, SC 29204
1-866-275-7273 (Voice)
1-866-232-4525 (TTY) (Toll free in South Carolina)
OR 803-782-0639 (Local and Out of State)
<http://www.protectionandadvocacy-sc.org>

South Carolina Legal Services
Please contact the centralized intake system, Legal Aid Telephone Intake Services at 888-346-5592 to apply for possible assistance.
<http://www.sccej.org/>

APPENDIX SEVEN

Forms

INSTRUCTIONS FOR COMPLETING THE COMPLAINT FORM

Please print or type.

1. Complete **Section I** by checking the appropriate boxes in parts A and B. This information can be found on the student's IEP. Provide the information requested in parts C through E, which includes an explanation of the facts of how you believe your or the student's rights were violated.

2. The complaint must allege a violation of the requirements of the Individuals with Disabilities Education Act (IDEA), applicable federal and State Board of Education (SBE) regulations, or South Carolina Department of Education (SCDE) policies and procedures in regards to students with disabilities.

3. The alleged violation must have happened not more than one year before the date that the complaint is received by the school district/agency and the SCDE.

4. Complete **Section II** by explaining what you would like to see changed.

5. Complete **Section III** by printing or typing in the information about the student, the parent/guardian, and the school district/agency.

6. Forms will not be accepted without the **signature** of the parent/guardian, person, student, or organization filing the complaint.

7. Forward a copy of the signed, written complaint that alleges a violation of the IDEA to the school district/agency serving the student at the same time the party files the complaint with the SCDE. **Mail the form** to the SCDE, Office of General Counsel at the following address:

**Office of General Counsel
Rutledge Building
South Carolina Department of Education
1429 Senate Street, Room 1015
Columbia, South Carolina 29201-3799**

Signed faxed copies will be accepted. Fax: 803-734-7238

**You can get additional information by calling the Office of
Exceptional Children**

**at 803-734-8224 or the Office of General Counsel at 803-734-8783 and by going to
the Department of Education's Web site at
<<http://www.ed.sc.gov.com/offices/ec/>>.**

COMPLAINT FORM

Section I (Please print or type all text).

A. Check the category of disability listed on the student's IEP (if he or she has an IEP):

- | | |
|--|--|
| <input type="checkbox"/> Preschool Child with a Disability | <input type="checkbox"/> Deafblindness |
| <input type="checkbox"/> Mental Disability | <input type="checkbox"/> Orthopedic Impairment |
| <input type="checkbox"/> Specific Learning Disability | <input type="checkbox"/> Other Health Impairment |
| <input type="checkbox"/> Emotional Disability | <input type="checkbox"/> Traumatic Brain Injury |
| <input type="checkbox"/> Speech or Language Impairment | <input type="checkbox"/> Autism |
| <input type="checkbox"/> Deaf and Hard of Hearing | <input type="checkbox"/> Multiple Disabilities |
| <input type="checkbox"/> Visual Impairment | |

B. Check the type of class that the student is in:

- | | |
|--|---|
| <input type="checkbox"/> Regular class | <input type="checkbox"/> Hospital/medical homebound instruction |
| <input type="checkbox"/> Regular class with supportive services
(itinerant/resource) | <input type="checkbox"/> Home-based instruction |
| <input type="checkbox"/> Self-contained class | <input type="checkbox"/> Other program option (please describe):
_____ |
| <input type="checkbox"/> Special school | _____ |
| <input type="checkbox"/> Community agency programs (e.g., Head Start for preschool children) | |

C. List the names of the people who violated your rights or the rights of the student:

(Attach additional pages if you do not have enough room on the form.)

D. Describe how you believe the school or school district/agency violated your rights or the student's right to special education:

(Attach additional pages if you do not have enough room on the form.)

E. Give the dates of the violations:

(Attach additional pages if you do not have enough room on the form.)

Section II (Please print or type.)

What would you like to see changed?

(Attach additional pages if you do not have enough room on the form.)

Section III (Please print or type.)

Name of student

Street address

City State Zip

Phone

Name of school

Name of school district/agency

Name of person filing complaint if *not* parent

X

Signature of person filing complaint if *not* parent **Date**

Name of parent/guardian

Street address

City State Zip

Home phone

Work phone

X

Signature of parent/guardian **Date**

Street address of person filing complaint if *not* parent

City State Zip

Home phone

Work phone **Cell phone**

INSTRUCTIONS FOR COMPLETING THE MEDIATION REQUEST FORM

The mediation request form should be filled out by the parent/guardian and taken to the special education director in your school district/agency. The special education director or school district/agency representative will sign the form if the school district/agency agrees to mediation.

Please print or type.

1. Complete **Section I** by explaining what the disagreement with the school district/agency is.
2. Complete **Section II** by reading each of the statements there. If you do not understand these statements, please ask for help from the special education director. For mediation to take place, both the parent/guardian and the school district/agency must agree to these statements.
3. Complete **Section III** by printing or typing in the requested information about you as the parent/guardian and the school district/agency.
4. Forms will not be accepted without the **signature** of the parent/guardian or the person requesting the mediation.
5. **Take the form to the special education director in your school district/agency.**

MEDIATION REQUEST FORM

Section I (Please print or type.)

We are requesting that a mediator approved by the South Carolina Department of Education be named to help us work out the following disagreement:

(Attach additional pages if you do not have enough room on the form.)

Section II

- We have reviewed the procedures for mediation in special education in South Carolina and understand that it is a voluntary process and not a requirement.
- We agree to meet to work out our differences in a way acceptable to each of us and in the best interest of the student.
- We understand that the student’s current placement remains the same.
- We understand that by agreeing to mediation, neither the school district/agency nor the parent/guardian gives up the right to due process.
- We understand that mediation is confidential and agree not to require the mediator to be a part of any future due process or court proceeding. We understand that whatever is said or happens during mediation cannot be used in a future due process hearing or court proceeding.

Section III (Please print or type.)

Name of school district/agency

Name of parent/guardian

Street address

Street address

City State Zip

City State Zip

Phone

Home phone

Signature of special education director/representative

X _____
Signature of parent/guardian

***INSTRUCTIONS FOR COMPLETING THE DUE PROCESS HEARING
REQUEST FORM***

The request form for a due process hearing should be filled out by the parent/guardian and provided to the special education director in the school district/agency.

Please print or type.

1. Complete **Section I** by checking the appropriate boxes in parts A and B and by providing the information requested in parts C through E. This information can be found on the student's IEP.
2. Complete **Section II** by explaining what you would like to see changed.
3. Complete **Section III** by printing or typing in the information about the student, the parent/guardian, and the school district/agency.
4. Forms will not be accepted without the **signature** of the parent/guardian or the person requesting the hearing. The hearing request may be dismissed by the due process hearing officer if you do not include the student's name, the student's home address (or available contact information in the case of a homeless student), and the name of the student's school. The request must also include a description of the problem with the student's educational program that led to the request for the hearing, including the facts related to the problem and a proposed resolution of the problem to the extent known and available at this time.
5. You must request a due process hearing within two years of the date you knew or should have known about the alleged action that forms the basis of the hearing request.
6. Take the form to the special education director in your school district/agency.
7. Mail a copy of the form to the South Carolina Department of Education at the following address:

**South Carolina Department of Education
Office of General Counsel
1429 Senate Street, Room 1015
Columbia, South Carolina, 29201**

or fax a copy of the form the South Carolina Department of Education at 808-734-7238.

**You can get additional information by calling the Office of Exceptional
Children
at 803-734-8224 and by going to the South Carolina Department of
Education's Web site at
<<http://www.ed.sc.gov/offices/ec/>>.**

DUE PROCESS HEARING REQUEST FORM

Section I (Please print or type all text).

A. Check the category of disability listed on the student's IEP (if he or she has an IEP).

- | | |
|--|--|
| <input type="checkbox"/> Preschool Child with a Disability | <input type="checkbox"/> Specific Learning Disability |
| <input type="checkbox"/> Mental Disability | <input type="checkbox"/> Speech or Language Impairment |
| <input type="checkbox"/> Emotional Disability | <input type="checkbox"/> Visual Impairment |
| <input type="checkbox"/> Deaf and Hard of Hearing | <input type="checkbox"/> Orthopedic Impairment |
| <input type="checkbox"/> Deafblindness | <input type="checkbox"/> Traumatic Brain Injury |
| <input type="checkbox"/> Other Health Impairment | <input type="checkbox"/> Multiple Disabilities |
| <input type="checkbox"/> Autism | |

B. Check the type of class that the student is in:

- | | |
|--|--|
| <input type="checkbox"/> Regular class | <input type="checkbox"/> Community agency programs (e.g., Head Start for preschool children) |
| <input type="checkbox"/> Regular class with supportive services (itinerant/resource) | <input type="checkbox"/> Hospital/homebound instruction |
| <input type="checkbox"/> Self-contained class | <input type="checkbox"/> Home-based instruction |
| <input type="checkbox"/> Special school | <input type="checkbox"/> Other program option (please describe): |
-

C. List the names of the people who violated your rights or the rights of the student:

(Attach additional pages if you do not have enough room on the form.)

D. Describe how you believe the school or school district/agency has violated your rights or the student's right to special education:

(Attach additional pages if you do not have enough room on the form.)

E. Give the dates of these violations: (must have occurred not more than two years prior to requesting the due process hearing unless the violations are ongoing):

(Attach additional pages if you do not have enough room on the form.)

Section II (Please print or type.)

What would you like to see changed?

(Attach additional pages if you do not have enough room on the form.)

Section III

We understand that both the school or school district/agency and the parent/guardian have the right to

- a. Challenge the sufficiency of the due process hearing request within fifteen days of receiving the request. We understand the person receiving the due process hearing request must, within ten days of receiving the request, send the party requesting the due process hearing a response that specifically addresses the issues raised in the request. A school district/agency must convene a resolution session unless waived in writing by the parents and school district/agency or the parties agree to use mediation. School district/agency attorneys may not participate in a resolution session unless the parents bring an attorney.
- b. Bring an attorney and/or persons with special knowledge or training about the problems of students with disabilities to the hearing;
- c. Seek attorney's fees. Attorney's fees may be sought if a school district/agency believes the parents' attorney or the parents' claim is frivolous or brought for an inappropriate purpose;
- d. Request the attendance of particular witnesses;
- e. Receive all evaluations and a list of witnesses that the other party plans to use at the hearing;
- f. Present evidence as well as question and cross-examine witnesses;
- g. Object to letting in evidence at the hearing that has not been shared with the school district/agency and the parent/guardian or his or her attorney at least five days before the hearing;
- h. Get a written or tape-recorded transcript of the hearing;
- i. Get a written statement of the findings of fact and the decisions made at the due process hearing; and
- j. Appeal if in disagreement with the decision.

Section IV (Please print or type.)

Name of student

Street address

City State Zip

Phone

Name of school

School district/agency

Date

Name of parent/guardian

Street address

City State Zip

Home phone

Work phone

X _____
Signature of parent/guardian

Date

APPENDIX EIGHT

Section 504

Section 504 of the Rehabilitation Act of 1973 is a civil rights law designed to prevent discrimination based on disability by public and private agencies that receive federal assistance. Section 504 applies to all public schools and protects school-aged students who qualify as disabled and supports their right to a Free and Appropriate Public Education (FAPE). A student with a disability under Section 504 has a physical or mental impairment that substantially affects a major life activity. These activities include learning, walking, seeing, breathing, working, caring for one's self, and performing manual tasks. The disabling condition need only limit one major life activity in order for your child to qualify under Section 504.

A student is eligible so long as he or she

- has or has had a physical or mental impairment that substantially limits a major life activity, or
- has a record of such an impairment or is regarded by others as having such an impairment.
- is regarded as having a disability.

A 504 plan should provide

- an evaluation of your child based on current levels of performance, teacher reports, and documentation of areas of concern;
- the development and implementation of an accommodation plan that provides reasonable modifications and accommodations for your child to benefit from the general education curriculum;
- procedural safeguards for your family, including written notification of all school decisions concerning your child's evaluation or educational placement and due process; and
- a review and reevaluation of modifications and placement on a regular basis and prior to any change of placement.

A 504 plan may need to be considered for your child if he or she

- shows a pattern of not benefiting from the instruction being provided in general education classes,
- returns to school after a serious illness or injury,

- is evaluated for special education services and does not qualify, or
- shows a chronic health or mental health condition that interferes greatly with his or her ability to learn.